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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

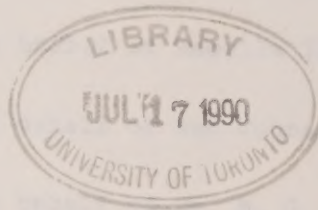
B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON TUESDAY, FEBRUARY 28, 1989

VOLUME 19

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(i)

C O U N S E L:

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D. O'CONNOR G. PINHEIRO	on behalf of Angella Issajenko
E. FUTERMAN L.M. LIPKUS	on behalf of Ben Johnson
MR. SOOKRAM L. LEVINE	on behalf of Dr. M. G. Astaphan
THOMAS C. BARBER	on behalf of the Sport Medicine Council of Canada
MR. de PENCIER	on behalf of the Government of Canada
J. PORTER	on behalf of the College of Physicians and Surgeons of Ontario
ROGER BOURQUE	on behalf of the Canadian Track and Field Association
R. McCREATH, Q.C. MR. FALBY	on behalf of the Canadian Olympic Association
OSCAR SALA	on behalf of David and Andrea Steen
C. ASHBY MS. S. HICKLING	on behalf of Bishop Dolegiewicz

(ii)

I N D E X O F W I T N E S S E S

NAME	PAGE NO.
<hr/>	
CHARLES FRANCIS, sworn	3470
Direct Examination by Mr. Armstrong	3470

(iii)

I N D E X O F E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE NO.
-------------	-------------	----------

115	CV of Charles Francis	3474
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--- Upon commencing.

THE REGISTRAR: Cameras, please out. Thank you. Except for the pool cameras.

5 THE COMMISSIONER: Good morning. Before calling on Mr. Armstrong to open this Phase of our Inquiry, I think it appropriate that I make just a few preliminary remarks.

10 On November 15 last, at the first public session, at some length I outlined the very broad Terms of Reference which is the subject matter of my mandate. And I at that time referred to some of the issues which occurred to me at that time that had to be inquired into, where we were going, and what our objectives were.

15 Other areas of which we will be inquiring into will be announced subsequently.

20 On January 11 of this year, at this first public session in which evidence was called, I expanded somewhat on what I said on that earlier occasion. Since I will not want counsel to repeat themselves, I don't want to set a bad example myself, and therefore I do not want to repeat today what I said on those earlier occasions. But for those who are now participating in the work in the Inquiry who were not here before, and those who are about to follow it for the first time, I think it will be
25 helpful, if indeed not essential, to get copies of those

earlier statements to better appreciate where we are today.

As I pointed out earlier, this is not an Inquiry in the conduct of one or more individuals or one
5 or more associations. The Terms of Reference are very broad. The Order-in-Council recognizes that there is a clear public concern in this country with respect to the use of various drugs and banned practices which are intended to increase athletic performance.

10 And I am directed to inquire into and report on the facts and circumstances surrounding the use of such drugs and banned practices, and to make recommendations regarding the issues related to use of such drugs and banned practices in sport.

15 Included in this broad Inquiry, I am also directed to inquire into and report on the recent cases involving our Canadian athletes who were to or did compete in the Olympic Games in Seoul, Korea. We have already completed the evidence with respect to our Canadian
20 athlete weightlifters who were to compete or did compete in the 1988 Olympic Games at Seoul, Korea. That aspect of the Inquiry has been adjourned so I can hear at a later time representations by counsel.

25 In this Phase of the Inquiry, we are looking into track and field, including the recent cases involving

our track and field athletes who competed in the Seoul Games in Korea.

5 This is a fact-finding stage of our Inquiry. It is necessary to determine what has happened in the past, to consider issues of responsibility in order to identify the problem areas. We find the issues so that we then consider how those matters can best be resolved in the future.

10 It is not enough to concentrate on the past. Little would be gained if we have such a narrow focus. A Royal Commission to be meaningful must be constructive, it must look to the future, because in the end our objective is to protect and advance the interests of our Canadian athletes and endeavour to derive for them a healthy
15 climate in which they can compete in the future both nationally and internationally.

Much of the work of the Commission has also been directed to the international scene. And in that area, Canada has led the field for many years seeking
20 international co-operation to eliminate the use of drugs in international competition throughout the world. We are in close touch with other jurisdictions who are following our work as we are following theirs.

25 I want to say a word about the process. It is a matter of record that I have strong views as to what

a Royal Commission should be conducted. It is not always understood.

A Royal Commission is not a trial. No one is charged with any offense and no one is being sued.
5 There are no parties, and no sides. Commission counsel are not prosecutors nor is their function to prove one thing or the other. They are the legal arm of this Commission and I am their only client. Their function is through the benefit of their skill and experience to
10 present the Commission in an orderly way all the evidence available to them which relates to any issue before us and in an even-handed manner.

There may well be a conflict of the evidence which is often the case. Commission counsel will probe
15 carefully those conflicts but all witnesses will be treated in the same fair manner. And in the end it will be my responsibility if there be conflict to resolve any such conflict.

In pursuing their duty in order to bring out
20 all the evidence, they may if the occasion warrents, be firm and vigorous. At all times they will be courteous, as I expect everybody else to be.

All the evidence cannot be adduced at one time. It is a slow painstaking process, but it must be
25 done thoroughly. But experience has shown that often

evidence led at the very end of a lengthy Inquiry may cast new light on what has been said before. And so it would be very unfair for anyone as it would be improper for me to prejudge matters, to arrive at any conclusion about any issues or about any individual, until all the evidence is completed and we have had the benefit of submissions of counsel. We must all keep an open mind.

And I may say with respect to the media, it is their responsibility to keep an open mind if they are going to perform their function of informing the public as the progress of this inquiry. These are serious matters which we are considering. The reputation of many is at stake, as is their future in athletic competition. And the Commission cannot help but have a serious impact not only on future individuals but in future athletic competitions in Canada, nationally, and internationally.

Thus although this is not a trial, it is not a courtroom, I am determined to see that these proceedings are conducted with a dignity and the courtesy so characteristic of our court process. And in that way provide an atmosphere for calm and considerate reflection.

As I stated on earlier occasions, it would be wise in my respectfull opinion in fairness to all those who have an interest in these proceedings, for all those who appear as witnesses or counsel, to confine their

comments on the evidence and their submissions to the public sessions of the Inquiry. And in the presence of those who may be affected, and in the presence of their counsel.

5 This is not a courtroom. And the proceedings are left to be conducted in a manner then in the discretion of the Commission. I have opted to date to hold these hearings in public. The reason for holding proceedings in public is so the public may be informed as
10 to the progress of the Commission and evidence being presented to it. But for the public to be informed the information must be meaningful. The only meaningful information which will assist the public in following the work of this Commission is what is stated in this hearing
15 room under oath, in the presence of counsel and subject to cross-examination. Providing the public with what is said outside the hearings is irrelevant for my purposes. It could be said by those who are irresponsible, or who may have their axe they want to grind and may very well be
20 misleading.

Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr.
Commissioner.

25 In Phase III, Ms. Chown and I intend to deal with the Canadian Track and Field situation generally as

it is relates to Canadian athletes using anabolic steroids and other banned substances, and what steps have been taken and are being taken to deal with this issue.

5 In this Phase, we will also deal with the events leading up to the positive test of Mr. Johnson at the Olympic Games in Seoul, and the circumstances of the positive finding of Stanozolol in the urine sample of Mr. Johnson.

10 We will also, Mr. Commissioner, call evidence dealing with the international scene. Here we hope to look beyond Canada, and we expect to have witnesses both from Canada and abroad who will enlighten us as to the situation at the international level.

15 I might now take a moment to describe in a general way what we expect the evidence will be in the next several days.

20 Mr. Charlie Francis is the first witness. As you know, Mr. Francis was the first and only coach of Ben Johnson. Mr. Francis is himself an Olympic athlete and a coach of many Olympic athletes. He will tell you about his own athletic and coaching career including his coaching philosophy and techniques. He will tell you about the group of athletes he coached in the Scarborough Optimist Track and Field Club which included Ben Johnson, 25 how this group of athlete went from virtual obscurity

running on the tracks of Toronto high schools in the summer and during the winter in the Swine Pavillion of the Canadian National Exhibition grounds to become Olympic medalists and world record holders.

5 Mr. Francis will of course testify as to his relationship with Mr. Johnson. He will testify as to those matters which are of specific concern to this Inquiry.

10 Now, in regard to Mr. Francis, I would like to add a brief editorial note to his evidence if I may.

15 We expect to cover Mr. Francis' career as a coach in great detail. We expect to deal with his relationships with his athletes and others in great detail. We do not intend to hurry his evidence. For it is Ms. Chown's assessment and mine as counsel, that in order to appreciate what is involved in the development of elite Olympic athletes, you must get the whole picture. That picture cannot be painted with a few strokes of the brush as it were.

20 So, in advance, Mr. Commissioner, we invite your patience if at times we appear to plug.

 THE COMMISSIONER: Are you suggesting I am not patient, Mr. Armstrong.

 MR. ARMSTRONG: No, My Lord, not at all.

25

I will reserve on that.

THE COMMISSIONER: We shall see.

MR. ARMSTRONG: We shall see. After Mr.

Francis a group of athletes who were coached by him will
5 testify. They have tell you of their own experiences and
also of what they know of Ben Johnson relevant to the
issues before you. We expect to call evidence concerning
the involvement of doctors who treated or advised some of
these athletes, including Mr. Johnson. In particular, we
10 will call evidence concerning the involvement of Dr.
Astaphan in the treatment of the Francis group of
athletes, including Ben Johnson.

We anticipate that there will be evidence
from various drug companies where drugs in particular
15 anabolic steroids were purchased by Dr. Astaphan. And as
a result of Dr. Astaphan's stated intention to appear
voluntarily before this inquiry, we intend to call him as
a witness in phrase 3 in Toronto.

Mr. Commissioner, We will be calling a
20 number of people involved in the Olympics in Seoul. These
will include officials of the Canadian Olympic Association
and the International Olympic Committee who were involved
in the events leading to the positive test of Ben Johnson
for stanozolol. You will hear evidence of what happened
25 in the doping control room in Seoul. You will hear about

the test procedures which were carried out, the results of those tests and how they should be interpreted. You will also hear what representations were made on behalf of Mr. Ben Johnson before the IOC Medical Commission. And of course you will hear the evidence of Mr. Ben Johnson. He will tell you of his own career, his relationship with Charlie Francis, Dr. Astaphan, his teammates and others.

He will describe in his own way his incredible accomplishments as a sprinter, a person who began running in his bare feet on the Island of Jamaica to become the fastest man in the world in the 1980s.

He will of course testify about the issues particularly relevant to the terms of reference of this Inquiry.

Mr. Commissioner, we expect that during phrase 3 you may hear evidence from Canadian athletes and others who will testify as to the use of anabolic steroids and other banned substances on the IOC list. We also anticipate that there will be frank admissions from witnesses of their own complicity in the use of anabolic steroids, probably to an extent never before heard in regard to track and field anywhere in the world at any time.

In some cases such witnesses will be clearly testifying against their own personal interests. Although

it may be said that such witnesses are doing no more than responding to the oath, it may well be our submission as counsel that in such cases such persons ought not to be penalized for having had the courage to step forward and tell the truth about their own involvement. By that we mean that if at the end of the evidence and after you have had the benefit of submissions, you find that such persons made a contribution to your work, you may consider making a favourable recommendation on their behalf to the Canadian Track and Field Association, Sport Canada and the other relevant organizations. Such a recommendation in appropriate circumstances might be to the effect that sanctions ought not to be imposed or that whatever sanctions are imposed be of such a nature that these people who may have a great deal to contribute in the future are not forever lost to the sport of track and field.

That is all I have to say, Mr. Commissioner, by way of opening and we are now ready to call Mr. Francis.

THE COMMISSIONER: Before you do that, with respect to your last comment, I think there is a great deal of merit in that last comment and I am very glad to hear representations at the proper time.

MR. ARMSTRONG: Thank you.

THE COMMISSIONER: Before I proceed further
may I have counsel identify themselves. It looks like a
media and Bar Association here this morning. Miss
Pinheiro that was a very good article you wrote. Is it
5 copywrighted?

MR. O'CONNOR: We are looking into that.

THE COMMISSIONER: Mr. O'Connor, Mr. Pratt,
Mr. McMurtry. I want to see if I know everybody. Mr.
Levine, Mr. Sookram. Mr. Futerman, I have forgotten your
10 colleagues name.

MR. LIPKUS: Mr. Lipkus.

THE COMMISSIONER: Mr. Lipkus, I am sorry.
Mr. Barber, Mr. de Pencier. You are representing the
Government of Canada, are you?

15 MR. de PENCIER: Yes, sir.

THE COMMISSIONER: Mr. Julian Porter. I
didn't get the name of your colleague.

MR. PORTER: Mr. Mitch Nann.

MR. BOURQUE: Mr. Commissioner, on behalf
20 of CTFA, I would like to introduce to you the Chairman of
the Board of Directors of the Canadian Track and Field
Association, Jean-Guy Ouellette on my left and on my right
the President of the Association, Paul Dupre.

THE COMMISSIONER: Thank you. Mr. Bourque
25 from the CFTA. Anybody back there in the wings? I see

Mr. McCreath from the Canadian Olympic Association, Mr. Falby with him.

MR. SALA: Mr. Sala on behalf of Mr. McCutcheon.

5 THE COMMISSIONER: Right, Mr. Steen.

MR. ASHBY: Mr. Ashby, Mr. Commissioner. I have not appeared before you before. I seek standing before you this morning and my client is to appear before you sir.

10 THE COMMISSIONER: You are Mr. Ashby.

MR. ASHBY: Yes. And Ms. Hickling appears with me.

THE COMMISSIONER: Thank you very much. All right.

15 Your first witness Mr. Armstrong?

I should indicate something while we are at, a litte house cleaning. There are some rather technical and legal matters surrounding the proceedings to follow, and I think that it would be helpful if I had a meeting with all counsel privately because there are technical
20 legal matters as early as we can so we can resolve the process to be followed down the road.

I thought perhaps if we could only have public hearings, Mr. Armstrong, Tuesday, Wednesday and Thursday, if I can meet with counsel Friday morning, just
25

counsel. There are some matters I want to discuss with you as to how we are going to proceed with the number of counsel here and the orderly presentation of the case. Would that be satisfactorily?

5 MR. ARMSTRONG: Yes, it would Mr. Commissioner.

THE COMMISSIONER: Is Friday satisfactory to most counsel for a meeting with me? All right.

So arrange that for Friday morning.

10 All right, Mr. Armstrong.

THE REGISTRAR: Mr. Francis please.

Charles Francis, sworn.

15 --- DIRECT EXAMINATION BY MR. ARMSTRONG:

THE COMMISSIONER: All right, cameras out.

Mr. Armstrong?

MR. ARMSTRONG:

Q. Thank you, Mr. Commissioner. Mr.

20 Francis I am going to ask you a few questions first of all about your background. I understand you were born in Toronto on October 13, 1948 and you have lived in Toronto virtually all of your life expect for a period of time when you were attending university in the United States?

25 A. Yes, that's correct.

Q. And your education in Toronto at the high school level was at Jarvis Collegiate and De la Salle Collegiate. You graduated from De la Salle in 1967, with your grade 13 diploma is that light?

5

A. Yes.

Q. And then I understand Mr. Francis you were awarded an athletic scholarship for track and field and attended Stanford University in California between 1967 and 1971, graduating with a Bachelor of Arts degree in political science and history?

10

A. Yes, that's correct.

Q. And then Mr. Francis, after Stanford in 1971, until the Munich Olympics of 1972, you were more or less fully engaged in your career as a full time athlete leading up to your participation in the 1972 Munich Olympics, is that correct?

15

A. Yes, it is.

Q. And then from 1973 to June of 1978, or thereabouts, you were employed as an insurance under writer in Toronto, is that correct?

20

A. Yes.

Q. I wanted to take a moment or 2 to review your own athletic career before we get into your coaching career. I understand that you became a serious track and field athlete as young as 15 years of age when

25

you joined the Don Mills Track Club as a sprinter in both the 100 metres and 200 metres although I expect it was probably the hundred yards and 220 yards at that time, was it?

5 A. Yes, it was.

 Q. And in 1965 you were the national juvenile champion for, and juveniles are 16 to 17 year olds for the 100 metres and 200 metres in Canada?

 A. Yes, well it was yards yes.

10 Q. Yards, I'm sorry. And then in 1967 you were national junior champion again in respect of a hundred yards and 220 yards, or are we over to metres yet?

 A. Yes.

 Q. Okay. And then in 1964, '65 and '66, 15 you were the Ontario high school champion in the 100 yards competing for Jarvis Collegiate and in 1966, the Ontario champion again competing for De la Salle in both 100 yards and 220 yards, is that correct?

 A. Yes.

20 Q. And I believe the only Ontario athlete to win the Ontario Provincial champion in 4 consecutive years?

 A. Yes, that's correct.

 Q. And then in 1970, '71, you were the 25 national senior sprint champion?

A. Yes, that's correct.

Q. And then finally in 1971, indeed, you were ranked 5th on the world list in the 100 metres with a personal best time of 10.1 seconds?

5

A. Yes.

Q. Is that correct?

A. Yes, that's correct.

10

Q. And I know you are somewhat modest about this and you and I got into a little bit of an argument about it, but the best 100 metre time that year was 10.0, and the next best time after 10.0 was indeed 10.1. Is that right?

A. Yes.

Q. And that was your time?

15

A. Yes.

Q. All right. And then in the period 1967 to 1971, at Stanford on the track scholarship that you mentioned earlier, you received in 1971 the most competitive point winner award at Stanford, is that right?

20

A. Yes, that is correct.

Q. And in 1971, you participated in the Pan American Games in Columbia and finished 5th in the one 100 metres?

A. Yes.

25

Q. And then finally going to 1972 at the

Olympic Games in Munich, West Germany, you represented Canada in both, first of all the 100 metres, you were eliminated in the quarter finals due to a quadriceps injury and of necessity you had to withdraw from the 200 metres as a result of that injury?

A. Yes that is correct.

Q. And then again in 1973, you were the national senior champion in the 100 metres in Canada?

A. Yes.

Q. And in 1974, you retired in competition due to an injured sciatic nerve and various hamstring injuries for which at that time there did not appear to be any available treatment. Am I correct?

A. Yes, that's correct.

Q. All right. Now, Mr. Commissioner, we have put before you a copy of the CV that you already have. I don't know where we are in exhibit numbers,

THE REGISTRAR: 115.

MR. ARMSTRONG: If we could have it marked as 115.

--- EXHIBIT NO. 115: CV of Charles Francis.

MR. ARMSTRONG: You will see that I have paused half-way through the CV. I am going to go into

some detail in respect of Mr. Francis' coaching career. So, I will come back to it from time to time but for the next while we won't be necessarily following the CV so this is an appropriate time to mark it.

5 THE COURT: All right, fine.

MR. ARMSTRONG:

Q. Now, Mr. Francis, let me take you to 1976. That is when you got into coaching. Would you tell the Commissioner how it came about that you started into the track and field and coaching business?

10 A. Well, the beginning of May, of 1976, I received a phone call from a Peter cross who I had known for many years, who was a coach with the Scarborough Optimists Track Club and he was on his way to a training camp with the national team in Los Angeles and he mentioned that he would have to leave behind a few of the younger kids who wouldn't have a coach for the next couple of months and he asked me if I would be prepared to get involved in coaching and take over these kids and work with them for the foreseeable future.

15 Q. This group of athletes and Peter Cross were they then affiliated with the organization called the Scarborough Optimists Track and Field Club?

A. Yes.

20 Q. And in general terms, what did the

25

Scarborough Optimists Track and Field Club do, was it a sponsor like we know of sponsors of hockey teams and so on. Perhaps you could just take a moment to describe that?

5 A. Well, once I had spoken to Peter Cross I went to meet Ross Earl who was the President of the Scarborough Optimists Sports Association and he explained the situation, basically the club consisted of a number of coaches who more or less operated it only when the the
10 athletes who were part of the club would have their expenses paid to the best of the clubs ability. And Ross was very active in fund raising and was raising over \$100,000 a year and so at that time that was by far the most money available in any club for track and field
15 athletes.

20

25

Q. And I take it that that summer you accepted Mr. Cross' request to coach this group of athletes?

A. Yes, I did.

Q. And how many were there at that time?

A. Well, there were four. So, it wasn't a very large group at first.

Q. All right. And where did you train?

A. We were training -- at first we started at Northview Collegiate. Then we moved closer to home to Lawrence Park Collegiate.

Q. That's up at the corner of Avenue Road and Lawrence?

A. Yes.

Q. And so while Cross was away that summer, then you coached those four athletes?

A. Yes.

Q. All right. And then did you continue your association after that first summer of coaching those four track and field athletes?

A. Yes. Basically the four originals stayed and then a number of their friends and acquaintances began to come out with them. So the group began to grow through a sort of natural evolution. I didn't really recruit, but they did bring their friends

and so on.

Q. But the original group of four that you coached and indeed the others that you coached subsequently, they were all sprinters I take it?

5

A. Yes.

Q. It might be useful just to pause here.

A. All boys also at first.

10

Q. All right. It might be useful just to pause here. What is considered a sprint? Obviously, we have 100 meters, but how far up do we go before it is no longer a sprinting event?

A. Well, up to and including the 400 meters.

15

Q. I see. And so then your coaching career back then and as it continued has related to the 100, 200, 400 and I guess also to some extent related to the hurdles?

A. Yes, they are very related events.

20

Q. All right. And then we will also hear later on how some speed related events such as jumping and so on that you have been involved in coaching there as well as I understand?

A. Yes. At least in terms of developing their speeds, other technical people could help them.

25

Q. All right. Now let me move you along

to 1977. You continued again I assume in the summer of 1977 with Scarborough Optimist Club. And how many athletes would you have been involved with by that time?

A. By now we were up to around 15 or 16.

5 Q. Yes. And was that the year that Desai Williams joined the group, 1977, or was he one of originals?

A. Yes. In the end of April I heard about him. Ray Daley, who was one of my earlier athletes,
10 mentioned that there was a kid named Desi Williams who was really good and suggested that I have a look at him. And then Ray talked him into coming out. And he very narrowly lost the 100 meters at the Ontario Championships to Hugh Spooner who had been on the '76 Olympic team. So, he
15 obviously had great promise.

Q. And that year also a young sprinter by the name of Ben Johnson joined the group, am I right?

A. Yes.

Q. In 1977?

20 A. Yes. His brother Eddy joined the group in the fall of '76. And then in the summer around June he brought his younger brother out to train with him.

Q. All right. And how did Mr. Johnson do in his first appearances at the group? Did you expect
25 that he was going to be the world champion eight or nine

years later?

A. No, I certainly didn't. He was about 93 pounds when he started. He was 15 years old; he looked about 12, because he didn't mature at an early age. And also his mother, his sisters, and his brother were all short. So, I didn't think, your know, he was going to grow to be that tall. So, it was over that next season that he just sprouted up, he grew about six inches in one year.

Q. Now --

A. I might add that one of the sprinters by the end of 1977 quit the group saying that he was so disappointed because even Ben beat him, he decided that was the last straw. He ended up having a lot of company by the time all was said and done.

Q. All right. Now, the majority of your athletes, were they either born in the West Indies or had their family origins in the West Indies?

A. Primarily, yes.

Q. And did you, I think I have heard it said, that you in fact recruited among that group; is that so?

A. No, it's not. Basically they brought their friends. I had four athletes that Peter Cross had found and they just kept adding their contemporaries and

their friends and the group grew from there. As I said, Ben Johnson was brought in by Eddy Johnson and so on.

Q. All right. Now, I want to move you along then to the next year, 1978. Approximately how many would there have been in the group by 1978?

A. Well, by then we had a group of up to 30 people. Naturally not all the athletes would show up together, but if they all came out at once you would be looking at 30. And for the first time we had a few girls come out as well.

Q. All right. And then that was the year that a girl by the name of Angella Taylor joined the group, am I right?

A. Yes, she joined in January of '78.

Q. Angella Taylor, of course, that was her maiden name. She is Angella Issajenko today?

A. Yes, she is.

Q. Yes. And Desai Williams was still with the group?

A. Yes.

Q. Now, you mentioned, I am just going to take you back for a minute. You mentioned that about Desai in the Ontario Games or in some Ontario Championships in 1977, but indeed in the Canada Games in 1977, did he not win four gold medals?

A. Yes, he did. He improved very rapidly. He ran -- he improved from 11 seconds flat at the beginning of the season to 10.54 electronic, which is about 10.3 handtime at the Canada games. And he won the 100, 200 and the two relays, the 4 by 1, and 4 by 4. And additionally he went to the Los Angeles and further improved his personal best of 10.51 and 21.21 and beat the Americans in a junior dual meet against the United States and Japan.

Q. So, he was your very earliest superstar in a sense?

A. Yes.

Q. Your earliest success as a coach?

A. Yes. By the end of the year, in fact, he won the national senior championships in the 200 meters.

Q. Then in 1978, which we had started a moment ago, some girls joined the group, including Angella Taylor-Issajenko. You had Desai Williams. And also by this time, did you not have an athlete by the name of Tony Sharpe?

A. Yes. He had come into the group. And also there was another one was Mark McCoy.

Q. Mark McCoy. And was it is obvious as early as 1978 that Sharpe was going to be one of your

superstars?

5 A. Well, absolutely. He was predicted to be one of the biggest stars because he ran a handtime of 10.4 seconds in 100 meters at 15 years of age which was outstanding. And there was no doubt that he had a big future. Even by 1977, he was placing in competitions against the senior athletes.

10 Q. It might be a good point there since you mentioned handtiming. I take it that today all of the timing in track and field is electronic time?

15 A. Yes. There is quite a difference between electronic and handtiming. If the handtiming is accurate, there still is an allowance for the reaction time between the time the gun fires and the timer is actually able to depress the starter on the watch.

However, at the finish line, the timer tends to anticipate the athlete reaching the finish and tends to push the button exactly as the athlete is on the finish line, rather than equally past the line.

20 So electronic timing is exact. It starts the instant the gun is fired and stops the instant the athlete crosses the line. So, if handtiming is accurate, there is a .24 second differential. A handtime of 10.3 would represent an electronic time of 10.54.

25 Q. I see. So when one is looking at the

earlier records, world or otherwise that have been handtimed, on your theory one would have to add .24 seconds --

A. Yes.

5

Q. -- to that record in order to bring it to the same degree of accuracy that electronic timing provides?

10

A. At the very minimum. Of course with handtiming there also was the possibility of errors being made because the timers in fact had to see the smoke coming from the gun and so on. If there was no smoke from the gun, the times in fact would be even more different in favour of the faster time for the hand.

15

Jessie Owens was once asked a question. He had run 9.4 handtime in high school and 9.4 in college as a world record at the -- I believe it was the Big 8 Competition when he was at Ohio State. They asked him what the difference was between the 9.4 in high school and 9.4 in his world record attempt, and he said four yards, which is probably about right.

20

Q. All right. Well, thank you, I took you a bit on a diversion there but I think it's helpful because we are going to be looking at some of these records.

25

THE COMMISSIONER: There is a four yard

diversion.

BYMR. ARMSTRONG:

5 Q. Okay. Then let me ask you about Mark
McCoy in 1978. Was he again an obvious star that was
likely to excell in the way that you anticipated that
Desai Williams would and Tony Sharpe would?

10 A. Well, I didn't know that much about
Tony. Tony was -- I mean Mark was more or less Tony
Sharpe's shadow. And he was always -- would come to
practice with Tony, would train with him and he was very
quiet and you didn't really see that much of him. At
that time didn't know that Tony could hurdle.

15 Q. That Mark could hurdle?

20 A. That Mark could hurdle, I am sorry.
Mark had won in his first year of high school at the city
level in the hurdles, but could never beat Tony of course
in the 100 meters.

25 Q. All right. And I take it, Mr.
Francis, that although you have at different times coached
Mark McCoy, you don't -- you have coached him from the
point of view of his speed and sprinting elements of his
running, you don't regard yourself as a hurdle coach in
the way that you regard yourself as a sprint coach?

A. No, not at all. Each field really

requires expertise on its own. However, the common denominator that speed is the primary requisite. For example, Mark is probably the worst hurdler in the international rankings today, but he is the fastest.

5

Q. I see.

A. So, you know, the two tend to -- he has the fastest 100 meter time of any current athlete.

10

Q. I see. So where he perhaps isn't as strong as whatever you call it, the leap or the jump over the hurdle?

15

A. But also he is not -- he is the smallest of all the international hurdlers which means if he hits a barrier, it's going to stop him, where a 220 pound hurdler like the Americans can just go right through it.

20

Q. All right. Okay. Now, going back to 1978 and your group of athletes that is about 30, I understand that it was in about that year that you started taking a group of athletes south in the March break to get the advantage of some warm weather training and get a kind of early jump on the track season; is that correct?

25

A. Yes.

Q. And in 1978, you started out by going to, what was it, East Tennessee State University?

A. Yes, that's correct.

Q. And how was that organized when you took your group of athletes down there?

5 A. One of my first athletes from 1976 was going to University there, he had a scholarship. And he told us of the good facilities, they had an excellent indoor track and grass to train on and an outdoor track. So, I mean hotel prices and so on were reasonable.

10 So, I spoke with Ross Earl and we agreed to split the costs of the training camp between us. You know, we felt it would be worthwhile for the athletes. And so we put up the money.

15 Q. All right. And when you say you split the cost between you, I mean you personally in part with Ross Earl and the Scarborough Optimists sponsored the group of athletes to go down to East Tennessee?

A. Yes, that's correct.

Q. All right. And was there some arrangement whereby some of these kids or all of the kids were to bring their own money to buy meals?

20 A. We didn't want to do that because we were very concerned about the habits of kids going to a store by a few sweatshirts and eating frenchfries for a week.

25 Q. I have got three of those kids myself that do it today.

A. You are aware of that phenomena. So we said we would pay all the expenses but they were to bring \$35.00 in an envelope if in fact they could afford it. When the envelopes were collected, some had money in it, some were empty.

Q. All right.

A. Most were empty.

Q. All right. And so then the sponsorship of this would then provide their transportation down and their motel or hotel rooms in East Tennessee State, and whatever money they didn't provide for their meals I take?

A. All the money for their meals.

Q. Yes. And what kind of transportation was made available to get them down there?

A. The Scarborough Optimists had a number of vans that were purchased with Wintario grants. 50 percent was paid by the club and the other 50 percent by Wintario.

Q. Yes. All right. So apart from that government funding from Wintario, which I am sure you and the Scarborough Optimists appreciated, was there any other public funding available to you and your group to do that kind of thing at that time?

A. No.

Q. So, it was either money from the Scarborough Optimists Club through Mr. Earl or money out of your own pocket?

A. Yes, that's correct.

5

Q. Then June 1978 is a significant period as I understand it because up to that period in time, you had been working in the insurance business and coaching part time as it is were; is that right?

A. Yes.

10

Q. But in June 1978, you left the insurance business and became a full time coach?

A. Yes, that's correct.

15

Q. Now I just want to ask you up to June of 1978, you had been coaching on a part time basis, were you paid anything by Scarborough Optimists Club to coach part time?

A. No, I was not.

20

Q. All right. And then when you became a full time coach in June of 1978, you obviously left the insurance business. Were you paid anything by either the Scarborough Optimists or anybody else?

A. No, I was not.

25

Q. All right. Now, what did you do in order to put yourself into a position to be able to be a full time coach without pay as of June, 1978?

5 A. Well, when I was in the insurance industry I was indulging myself. I bought an Aston Martin which I used to evade the police with on occasion. And I subsequently refinanced the car and used the money from the loan to live on for a period of time. And at the end of the period, I sold the car to pay the bills.

Q. All right. And then also did you not move out of the apartment or wherever it was you were living and move back in with your parents in their house?

10 A. Yes, I did.

Q. All right. So by originally refinancing your car, eventually selling it, and moving out of your apartment in with your parents, you were able to have enough to live on and then continue coaching on a full time basis?

15 A. Yes, that's correct.

Q. All right. Now, 1978 also was, as I understand it, the first time that you took the Scarborough Optimists group to Europe; is that right?

20 A. Yes. Ross Earl raised the money and took a men's team to Switzerland for a dual meet between our track club and the Swiss national team and a series of European clubs.

25 THE COMMISSIONER: What was year that, Mr. Armstrong.

MR. ARMSTRONG: 1978.

THE WITNESS: Yes, that would have been in August, early August.

5 BY MR. ARMSTRONG:

Q. Now, how many athletes did you take, Mr. Francis?

A. Twenty athletes.

10 Q. All right. And how did they do against -- in this dual meet against the Swiss?

15 A. Very encouraging. We actually beat the Swiss national team by one point which proved to be very embarrassing to them. We beat them in all the sprints and they beat us in all the distance running. It worked out to our favour by one point.

And of the 20 athletes we took, over the period of the four competitions we had in Europe, they had 22 personal bests which I thought was an outstanding result.

20 Q. All right. And you mentioned that the financing for this trip to Europe was again arranged through this gentleman, Ross Earl, of the Scarborough Optimist Track and Field Club. So, was this again through bingos and various things that he did --

25 A. Yes.

Q. -- to raise money for the club?

A. Yes. He raised \$35,000.00 to pay for the trip.

Q. Now, was there any government funding
5 involved in taking this group of athletes on this trip to Europe?

A. Not to my knowledge, I don't think so.

Q. All right. Now, I am sorry you
mentioned the dual meet in the Switzerland. Was there
10 some other meet, too, or was there just the dual meet in Switzerland?

A. There were actually four meets over a short period of time. That dual meet in Aarau and two smaller competitions in Switzerland and another
15 competition in Konstanz, West Germany, which is only two hours away by bus.

Q. All right. Then moving along to 1979, you are now firmly ensconced as a full time coach. I take it again full time coach as a sprint coach?

A. Yes.

Q. Perhaps just to flesh out the Scarborough group, as I understand it, the Scarborough group of athletes, the Scarborough Optimist Track and Field Club, included the whole range of track and field
25 athletes?

A. Oh, yes, all events.

Q. All right.

A. There were 13 coaches.

Q. All right. And that group of athletes
5 belonging to the Scarborough Track and Field Club at any
given time reached as high as 300 or 400 athletes; is that
so?

A. Yes, at various times.

Q. All right. Now, then by 1978-79, did
10 you have in your group any carded athletes?

A. Yes. Desai Williams became carded in
1978, and Tony Sharpe in '79, and also Angela Taylor, now
Issajenko.

Q. All right. So they had available to
15 them in 1978-79, whatever their carding status afforded
them on a personal basis, some funding?

A. Well, it always runs one year behind.
So Desai Williams had money available to him I believe
\$150.00 a month because he lived at home in 1978. And
20 then I think it was \$150.00 or \$250.00 in '79 for Tony and
Angella.

Q. All right. Then in 1979 during the
early part of the year, you took a group of athletes down
to Clemson University in --

A. South Carolina.

Q. South Carolina. Again that was a similar training camp to the one in East Tennessee State during the March break; am I correct?

A. Yes.

5 Q. How many kids did you take down to Clemson in South Carolina in 1979?

A. We had 30.

Q. All right. And I guess you probably had a couple of vans by this time?

10 A. Yes, we had two vans. They were very large vans.

Q. And again the vans would have been provided by the Scarborough Optimist Track and Field Club?

A. Yes.

15 Q. All right. And you drove one van down and somebody else drove the other van down and back?

A. Yes.

Q. All right. And was there any public or government funding for that trip down to Clemson?

20 A. No, there was none.

Q. And who provided -- did you have the same situation that the kids were provided with their transportation through the vans and their hotel rooms or dormitory rooms paid for by whoever was sponsoring the trip and they were then responsible to bring their white

25

envelopes for whatever food money?

A. Well, they would hand in the envelopes and we would pay for all the bills for food to make sure they would eat properly so there was no --

5 Q. All right. And again was the situation that what they were supposed to bring \$35.00 if they could in their white envelopes?

A. Yes.

10 Q. Again I assume that some of the envelopes would turn up empty?

A. A lot of kids didn't have the money to go on these trips and so on otherwise. We didn't want them embarrassed, so if every kid could be handing in an envelope the other kids didn't know whether they paid or
15 not. So, it was really a formality.

Q. All right. Now, in regard to that trip, you were good enough to tell me because I asked you how much came out of your own pocket, and I understand that approximately \$2,700.00 came out of your own pocket
20 to finance the spring training camp down at Clemson?

A. Yes, that's right.

Q. And about \$2,000.00 came from the Scarborough Optimists through Ross Earl?

A. Yes, that's correct.

25 Q. All right. Then in 1979, there was a

European tour and apparently with the national team; am I right?

A. Yes.

Q. Would this have been the first trip
5 that your group of sprinters would have taken that was
sponsored through the Canadian Track and Field
Association?

A. Yes, that's correct.

Q. And where did your group of runners go
10 with the national team in the summer of '79?

A. There were two separate trips, one for
the men and one for the women. The women competed in
Italy, East Germany, and I believe Belgium. The men
competed in England and in Italy.

Q. All right. And that was the first year
15 that Ben Johnson indeed had gone to Europe to compete; am
I right?

A. Yes, that's correct.

I might add that he was not part of the
20 national team as he did not have the performances that
would allow him to go, but Gerard Mach had seen him at one
of the early season competitions and he was certain that
he would have a big future. And he had phoned me and said
if you or the club could help raise some help to get him
25 over there, they would raise the other half. And in fact

that's how it went. The CFTA arranged for half of his ticket and the club arranged the other half.

5 Q. All right. Now, it might be just useful just to pause here for a moment to help the Commissioner and others as to what is involved in a typical track and field season so far as your group is concerned looking -- we are going to go into the eighties now. And it seems to me from the information that I have that with some exceptions you followed a bit of a pattern;
10 am I correct?

A. Yes, that's correct.

15 Q. And the training period for say 1980 would be begin in the fall of 1979, and would you just take us through a typical year as to what the training blocks were and what the competitive blocks were?

20 A. Well, basically they would train from perhaps the beginning of October until either the end of December or the beginning of January. And then they would have a period of competitions in the indoor season where they would compete during January and February, sometimes into the first weekend of March. Then they would have either, you know, a training camp if we could afford it, and then an outdoor training period which consists of April and May. Then usually a period of competitions in
25 June, followed by further training in the month of July,

followed by further competition in the month of August.

That way they would never be competing for great periods
of time straight through where they would tail off in

their performances. They would always go back and train

5 again so they could keep their levels of performances high
throughout the year.

10

15

20

25

Q. And you say there would be a trip of warm weather training after the end of the season if you could afford it but am I right that one way or another, you always seemed to be able afford it, whether you and
5 Ross Earl afforded it or somebody else assisted you, am I correct?

A. Yes, after the first camp we were absolutely convinced of the value of having the athletes in excellent condition, and essentially avoided the lower
10 leg injuries. Many of you are familiar with shin splints when you jog on hard surfaces, run on hard surfaces for long periods, this ability to get out on the grass for a week or 2 was invaluable in protecting the legs.

Q. All right. Now, when you were doing
15 your training in the late fall months and early winter months, November, December, January, when you are getting ready for the indoor season at that time, late seventies, early eighties, where did the group train?

A. Well it changed. In the late
20 seventies, from '76 through the winter of '79 we were training in a building effectively called the Pig Palace which is the Swan Pavillion down at the CNE which they rented the second floor of during the winter months, usually from I guess mid December until late March.

25 Q. All right?

A. And then the rest of the time you are outside.

Q. And when you were training outside we already heard you were, in the middle seventies, '76 thereabouts, '76, '77, you were training at Lawrence Park Collegiate?

A. Yes.

Q. In the late summer, and then you moved at some point to another metro high school?

A. Yes, we went to Northview Collegiate, Bathurst and Finch.

Q. And we will get on to York University but I take it that without going into that detail now, what happens is that some time in the early eighties the complex at York is opened and then your group trained there year round.

A. Yes, it opened in the fall of 1979 and it was the first time we had access to a year round first class facility.

Q. All right. We are going to come back to York and deal with that in a little more detail.

Now, by the fall of 1980, I'm sorry I am jumping ahead of myself, I am just going to go back. In 1980 that was to be, initially, with you it didn't turn out to be so, the olympics in Moscoe. And what was the

situation with your group of athletes leading up to the 1980 olympics. Who were your obvious olympic runners at that time?

5 A. Well, the athletes who were obviously at the olympic qualifying level were Angella Issajenko, of course, and Desai Williams, Ben Johnson, Mark McKoy, Marv Nash, Tony Sharpe and others; a large number. Molly Killingbeck, Charmaine Crooks.

Q. Ben Johnson?

10 THE COMMISSIONER: You mentioned Ben Johnson.

THE WITNESS: Yes.

THE COMMISSIONER: Who is Crooks?

THE WITNESS: Charmaine Crooks.

15 THE COMMISSIONER: Yes, thank you.

THE WITNESS: I think there are some others there but I am not sure if I have got the whole list.

MR. ARMSTRONG:

20 Q. All right. and then that year there was a training camp held for the National team in Los Angeles prior to the olympics, am I right?

A. Yes.

Q. And that year the national team or the Canadian Track and Field Association sponsored the members

25

of the national team to attend that camp?

A. Yes, that's correct.

Q. And I understand they provided a meal allowance, something like \$10 but again you needed more than \$10, that was something that was picked up on their behalf by you and Ross Earl?

A. Not entirely. We picked up some expenses. I don't know how much detail I should go into but our girls made very quick acquaintances with the Nigerian team members who had signing privileges for their meals, so the girls were eating free and the Nigerian men thought they were doing really well. But the guys didn't have it so lucky, so at that time Desai Williams --

Q. So the Nigerian team subsidized the women and you and Ross Earl subsidized the men?

A. And also Clemson University helped out some of the athletes who were attending Clemson to send them additional food money. It cost over \$7.95 for breakfast, so it didn't go very far. There were no restaurants in that area at all other than the hotel.

Q. And then you mentioned Clemson University supporting some of the athletes. By this stage, Desai Williams, Mark McKoy, and Tony Sharpe were all at Clemson in South Carolina on a full track

scholarship?

A. Yes, that is correct.

Q. Desai Williams indeed had gone down to Clemson in 1978 or thereabouts, am I correct?

5 A. In the fall of '77, that is right.

Q. And McKoy and Sharpe had gone to Clemson for the winter starting in January of 1980, am I right?

A. Yes, I believe so.

10 Q. All right. And as it turned out, we will hear later from other witnesses but they stayed through the 1980 calendar year and then came back to Toronto?

A. Yes.

15 Q. I understand the reason they went down originally to Clemson was that the coach you had mentioned at the very beginning of your evidence, Peter Cross, had himself gone to Clemson in the late seventies as a sprint coach and it seemed like a good idea that if track
20 scholarships were available for them they would go down there and participate in the NCAA track season?

A. Yes, it seemed like the best
possibility at that time, especially as the Metro Toronto
facility was not available at that point and they would
25 have the good American competitive timing and hopefully we

could maintain communications with one of our own coaches working there.

5 Q. Yes. And the idea would be that they would come back in the summer and work with you at Scarborough?

A. Yes.

Q. And Desai Williams, Mark McKoy and Tony Sharpe at this stage were your 3 male superstars, am I right?

10 A. Yes.

Q. And Angella Issajenko was clearly your female superstar. And was there some plan that she might go to Clemson?

15 A. Yes, that was also -- At that time they had no women's scholarships other than cross country but they were thinking of expanding their program and we were thinking that might be a possible solution for her as well.

20 Q. All right. In any event then just to complete that story and it will be completed in other parts of the evidence in phase 3, as it turned out Angella Issajenko never did go down to Clemson, and Desai Williams, McKoy and Sharpe, as I indicated, came back to Toronto, they weren't particularly happy with Clemson and
25 decided to go to the University of York and train under

you full time in the York facility?

A. Yes, that's correct.

Q. All right. Going back to where we were a moment ago then in 1980 you mentioned that Clemson supported some of this group. That is Williams, McKoy and Sharpe to go to the national training camp in Los Angeles, and the balance was picked up by the CTFA and then the subsidization through you and the Nigerian track team, the men's track team?

A. Yes.

Q. Okay. Then let me just ask you a question or 2 at this stage about Angella Issajenko, apparently that summer there were a series of meets in Europe, although regrettably not the olympics for Canadians and others and how did Angella Issajenko fare that summer of 1980?

A. Well, she had a very, very successful year. She won the 2 all olympic competitions in Stuttgart and in Philadelphia then all the grand prix events in Europe with the exception of Zurich where she finished second. So, she had I believe there were 11 or 12 grand prix wins.

Q. Through her career did she run both the hundred and the 200 metres?

A. Generally, yes.

Q. All right.

A. But he later less specifically.

THE COMMISSIONER: I'm sorry later what?

THE WITNESS: Less specifically, she

5 specialized in the 100 meters.

THE COMMISSIONER: In the 100?

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. All right. Then by the fall of 1980, I
10 understand you had 11 carded athletes among your group of
sprinters, am I correct?

A. Yes, that is correct.

Q. And they included the names that we
have discussed such as Angella Issajenko, Tony Sharpe,
15 Mark McKoy, Molly Killingbeck and Charmaine Crooks; and I
take it Mr. Ben Johnson was not yet carded?

A. No, not at all.

Q. All right. And again by this stage
entering the decade of the 1980's, how many athletes were
20 you coaching?

A. I still had approximately 30.

Q. So you were coaching approximately 30
and a third of them qualified for carding status through
the Canadian Track and Field Association and Sport Canada?

A. Yes, that is correct.

Q. All right. And then 1981 is I believe the year that the Metropolitan track and field centre was established at York University, am I right?

A. Yes, that's correct.

Q. And can you just help me, Mr.

Francis --

THE COURT: Is that '81.

MR. ARMSTRONG: 1981?

THE WITNESS: No, no, no. The actual facility was built in the fall of 1979.

THE COMMISSIONER: It was in 1980?

A. It was built in the fall of 1979.

MR. ARMSTRONG:

Q. Yes?

A. They created a sprint centre later -- you are getting ahead a little bit.

MR. ARMSTRONG:

Q. Okay. Well, the physical plant as it were up there, which is there today, the indoor track and related facilities, the outdoor track it is built and up, I think you said 1979?

A. In the fall of '79, yes.

Q. All right. Okay, now I want to go ahead to the season of '81 when something called the Metropolitan Toronto Sprint Centre is established and I am

afraid I used the wrong terminology and so you missed your cue and that's all right but can we get into that as to what was involved in this Sprint Centre, what your involvement was, and how it was run and organized?

5 A. Well, apparently the idea of centres had been batted around Sport Canada for three or four years. Abby Hoffman had been trying to figure out a system that would be within the financial realities of Canada. We had to do something but we couldn't afford to build national
10 training centres as had been done in France and Germany.

 So they tried to find a solution for the Canadian financial realities. So they decided that they would try and put in place some paid coaches with a small budget and so on. So, they set up a sprint centre as a
15 pilot project so that they would have the agreement between the provincial sport governing bodies, national sport governing bodies and the funding agencies to put up the money and they picked the sprint because they had the most carded athletes and therefore had the greatest
20 likelihood of succeeding and so they would be able to expand into other centres.

 Q. And as a result of establishing this sprint centre, did you then become a paid coach on a full time salary with the Canadian Track and Field Association?

25 A. Yes, as of April 1st of '81.

Q. All right.

THE COMMISSIONER: Is that the first time you became a full time salaried coach?

THE WITNESS: Yes, that's correct.

THE COMMISSIONER: That's in April, 1981?

THE WITNESS: Yes, that's correct.

MR. ARMSTRONG:

Q. And were you at that time, were there other coaches paid at that time or were you the only coach paid through the CTFA?

A. I am not sure. I believe not. I believe there were other coaches who were funded by universities, other programs. I am not really clear on that.

Q. All right. And just so that we have it, in 1981 when you became a full time paid coach for the first time.

THE COMMISSIONER: Was that, I think the funds came from the Government of Canada, the coaching?

THE WITNESS: It was shared 50/50 between Sport Canada and Sport Ontario.

THE COMMISSIONER: Sport Ontario?

THE WITNESS: So it was a 50/50 share arrangement.

THE COMMISSIONER: Not through the CFTA at

this stage?

THE WITNESS: They were the organization in charge of administering the whole situation, the funds and the budget.

5 THE COMMISSIONER: At that time the funds came from our new national coach which you became, is that right?

THE WITNESS: Well, I don't know if you could really call it that. National coach sounds --

10 THE COMMISSIONER: Shared by the Province and Sport Canada?

THE WITNESS: Yes, it was the first of a project.

THE COMMISSIONER: All right.

15 MR. ARMSTRONG:

Q. All right.

A. It gets confusing. By the time you get into those charts, you have lost me as well as yourself.

20 Q. All right. So, you however, just to clarify the housekeeping part of it, the funds are made available 50 per cent Sport Canada, 50 per cent Sport Ontario but you actually got your cheque from the Canadian Track and Field Association?

A. That's correct.

25 Q. And they I take it were the

administrators of this sprint centre project?

A. More or less, yes, in charge from a day to day basis.

Q. Or they were supposed to be the administrator of it, is that is what you are saying?

A. That would be a fairer assessment.

Q. All right. And then the centre as I understand it in 1981 when you started out really consisted of training 3 groups of athletes: There were what are described as top level athletes, advanced athletes and beginner athletes. Am I correct?

A. Yes.

Q. Could you just take a moment and tell the Commissioner who fitted into each of these categories, who were the top athletes and so on?

A. The top athletes would have been those who were on international teams who would be subject to individual specialized training programs.

Q. And were you particularly responsible for that group?

A. Yes, directly.

Q. And then who would fall into the advanced group?

A. Mostly athletes who were rising up qualifying to go into national championships and this

level is the minimum, they had the potential to move onwards to the next group.

Q. All right.

A. Within a few years.

5 Q. Would they be carded?

A. No. All the carded athletes would be in the top group and some who were not carded such as Molly Killingbeck. And Ben Johnson would have been defined in that way also.

10 Q. Now, taking this advanced group, the one below your group, by whom were they coached?

A. Mostly by me, but also I had help from George Van Zeyl. At the beginning there was a guy named Val Grose who used to help me and occasionally Marv Nash would come out when he could but at the beginning he was working at various jobs and he was sometimes able to come out and help and sometimes not.

15 Q. Marv Nash, you mentioned his name earlier, was one of your early athletes participating as track and field athletes for you, am I right?

20 A. Well, really, he was an athlete who was close to my own generation who stayed in the sport much longer and he came to me for his last 2 years of training and then later after he retired he helped out with the coaching because he was a very, very skilled technician.

25

Q. All right. Now, I don't know whether you can help us or whether we should get it from one of the other witnesses but let's see if we can, the real estate as it were up at the York University complex was really provided by the university. The building and the track as I understand it were built through funds provided by Metropolitan Toronto, am I right?

A. Yes, that's correct.

Q. And apart from that sprint centre itself that you have described for the training of what I would call lead athletes and others, that are likely to be lead athletes, that centre is used by a whole range of athletes in and around Metropolitan Toronto and York University, am I right?

A. Yes, it is completely open to the public.

Q. And as I understand it, the time is divided during a day that York has the use of the facility up to something like 3 o'clock in the afternoon?

A. Yes.

Q. And 3 o'clock in the afternoon on --

A. It is public hours.

Q. Groups like yours and others have it available?

A. Yes, that's correct.

Q. All right. Now, what about at this stage the Scarborough Optimists group of Ross Earl that had really introduced you into the coaching, had provided a source of funds for your athletes, and you and Earl had kind of worked as a team. Once you are now into the sprint centre structure, and a full time coach paid through Sport Canada and Sport Ontario, where did Scarborough fit into the picture, did it continue?

A. Well, the fact is that this sprint centre was all well and good, it enabled me to work full time and be compensated. It enabled me to hire a physiotherapist who could help with athletes and so on, but there was no money left beyond the physiotherapy and the salaries to do anything for the athletes and as the club had been raising the money to send the athletes to championships and elsewhere they would remain within the same club structure and I remained affiliated as well.

Q. So, again, the Scarborough Club would rise to the occasion when there weren't the funds available to do the things that you had been doing through the public sector, is that right?

A. Well, yes. And most things for the athletes would have to be funded at a club level.

Q. Okay. And then at about this time I understand in 1981, you began to look around or perhaps

your athletes began to look around for sources of personal funding for them and some approach was made to obtain shoe contracts.

THE COMMISSIONER: Excuse me would this be
5 perhaps time to adjourn for a morning break?

MR. ARMSTRONG: Yes, it would.

THE COMMISSIONER: Thank you, 15 minutes.

10 --- SHORT RECESS.

15

20

25

--- Upon resuming.

MR. ARMSTRONG: We were going to take a moment for some camera shots, I think.

THE COMMISSIONER: The moment is up.

5 THE REGISTRAR: All right. Cameras out, please. There will be other opportunities. Cameras out, please.

THE COMMISSIONER: Mr. Armstrong.

10 MR. ARMSTRONG: Thank you, Mr. Commissioner.

BY MR. ARMSTRONG:

15 Q. Mr. Francis, just on checking my own notes, I have a little more information about the sprint center budget. And I am just going to give a little evidence here myself, and others can cross-examine me later, but I am going to ask you if you agree with this and if this accords with your recollection.

20 My note indicates that the sprint center budget covered your salary, and also perhaps we better pause there.

THE COMMISSIONER: Is this part of your evidence?

25 MR. ARMSTRONG: Yes, I see it's being well received as other things that I do.

THE COMMISSIONER: What's going on here,
Mr. McBey?

THE REGISTRAR: A little problem with the
sound system, My Lord.

5 THE COMMISSIONER: I see once you give
evidence yourself, Mr. Armstrong, we get in trouble. So,
just stick to asking questions.

MR. ARMSTRONG: Well, I am into it now.

THE COMMISSIONER: All right.

10 BY MR. ARMSTRONG: And I judge by the quiet
that at least the sound system is ready to receive me even
if you aren't.

15 In any event, I just wanted to see if you
agree if this accords with your recollection that your
salary was covered by the sprint center budget, also at
least some of the salary of your assistant coach, Marv
Nash, the salary of the --

THE COMMISSIONER: Physiotherapy.

20 BY MR. ARMSTRONG:

25 Q. Physiotherapy. A man by the name of
Mike Dincu, and beyond that, the rest of the expenses of
your organization such as training camps and expenses for
European competitions, training equipment, such as muscle

stimulation equipment and so on, had to be financed through other sources?

A. Yes, with the exception of Marv Nash, he was not paid at the beginning.

5 Q. All right. Then before the morning recess, I was asking you about what had been done for the athletes personally in so far as endorsement contracts are concerned. And I understand that in the early eighties some approach was made to one of the shoe companies to get
10 endorsement contracts for Angella Issajenko, Mark McCoy, Ben Johnson, Marita Payne, Molly Killingbeck, Desai Williams, Tony Sharpe, and Charmaine Crooks, is that so?

A. Yes, that's correct.

15 Q. And did you -- did they negotiate those contracts themselves or did you organize them?

A. No, I did.

20 Q. All right. And I don't expect you in 1989 to have recollection of details, the details aren't important, generally what did the shoe companies do for the athletes, what did the athletes do for the shoe company?

25 A. Well, the athletes of course are very visible to the public they are seen wearing the products and so on. Our principle sponsor was Adidas which is the largest shoe manufacture at that time. They had provided

a lot of equipment to the younger athletes in the group and then as they became more prominent eventually began to help them with contracts.

5 I also brought in a lawyer named Frank Roth who helped to negotiate with the CTFA a procedure by which these contracts could be registered with the new trust fund rules which had come through from the IAAF.

10 Q. And we have heard something I think in the first Phase of our Inquiry about the trust fund. Is that the arrangement whereby if the athletes have endorsement contracts, such as the once with Adidas, the funds they receive while still competing as athletes are paid into a trust fund administered by the CTFA?

15 A. Yes, that's correct. And then they can withdraw their living expenses and training expenses from this account.

Q. Now, at that time in 1981, the amount paid by Adidas for each of these athletes I assume varied depending on who the athlete was; am I right?

20 A. Yes. From the highest it would have been Angella Issajenko of course who had the highest world rankings to fairly small stipends for the lower athletes.

Q. What kind of money -- what was the range at that time in 1981, is it --

25 A. From \$150.00 to \$700.00 a month and

then on top of that there were bonuses for records and so forth.

5 Q. All right. So, in any event, and 1981 would have been the first time that the athletes received any money themselves outside of what they received if they were carded --

A. Yes, that's correct.

10 Q. --for their athletic endeavors. And I assume based on what you have just said that those contracts would have been administered by the CTFA and the money go straight into the trust fund?

A. Yes, that's correct.

15 Q. So, during their athletic careers therefore that money would not have been available to them for their use I assume unless --

THE COMMISSIONER: Well, he said you can withdraw some funds from it. Is that what you said, Mr. Francis?

20 THE WITNESS: Yes. In fact the amounts that they were receiving were low enough that in fact they could withdraw all of it each month as it went in as living expenses until they got to much higher levels of income.

BY MR. ARMSTRONG:

Q. I see. All right. And then also during this early period in the 1980s, you negotiated a couple of contracts with some vitamin companies which were
5 similar-type endorsements contracts; am I correct?

A. They weren't endorsement contracts for the athletes as such, but they provided vitamins and so forth. It was really left to them whether or not they used them in promotions. I don't believe they ever were
10 used in advertising, but they did provide free of charge all the vitamin and mineral supplies for our group.

Q. All right. Now, in terms of the 1981 year, you had a spring training camp again I assume, and that year I believe it was in Tallahassee, Florida?

15 A. Yes, that's correct.

Q. And again that training camp would have been -- was that sponsored by the CTFA or by the usual sources?

A. By the usual sources.

20 Q. All right. So that would have been then a training camp for the Scarborough group of athletes as opposed to the national, what I think of the national team sponsored by the CTFA?

A. Yes, that's correct.

25 Q. That again would be in the March break?

A. Yes.

Q. All right. And in May and June there was a European tour, but this time the European tour it was a national team tour sponsored through the auspices of the Canadian Track and Field Association?

A. Well, what was done was Gerard Mach, who was the national program director, arranged with various meet promoters that they would take the Canadian athletes and in additional competitions on top of the Stuttgart alternate Olympic schedule. So, they were able to obtain additional competitions that they otherwise wouldn't have been able to attend. So, it was a combination of meet promoters in Europe and the Canadian Track and Field Association because of their budget constraints.

Q. All right. And then in 1981, the highlights of the competitive year were the World Cup trials in Venezuela and the World Cup in Rome?

A. Yes, that's correct.

Q. And you had your group of athletes competing in both the World Cup trials and the World Cup in Rome?

A. Yes, that's correct.

Q. All right. Then I am going to move you along, Mr. Francis, to the 1982 season. Again, spring

training at Tallahassee; am I right?

A. That's correct.

Q. And again was that a sprint training camp sponsored through the usual sources, the Scarborough Optimist Track and Field Club or Association, whatever it was then called?

A. Yes, that's correct.

Q. And again that was not your group, not the national team?

A. Yes.

Q. And then the --

A. I might add that at a later time we did allow other athletes to attend provided they paid their own expenses. So at times other national team members did attend these Florida training camps, but they were responsible for their own expenses and transportation.

Q. I see. All right. Then in 1982, was there also a European tour with the national team?

A. Yes, there was.

Q. And that involved a dual meet in Yugoslavia and meets in Italy?

A. Yes, that's correct.

Q. Those trips would be sponsored through the Canadian Track and Field Association?

A. That's correct.

Q. All right. And there was also a dual meet, sprint and relay meet, in Colorado against the U.S. team that year?

A. Yes.

5 Q. And that was a meet in which apparently Angella Issajenko really shone to quite an extent; am I correct?

A. Yes, she and Tony Sharpe broke all the Canadian records.

10 THE COMMISSIONER: Where was this, Mr. Armstrong?

MR. ARMSTRONG: Colorado.

THE WITNESS: Colorado Springs.

THE COMMISSIONER: In '82.

15 MR. ARMSTRONG: Yes.
THE WITNESS: That was at the U.S. National Olympic training center they have established there.

THE COMMISSIONER: Thank you.

20 BY MR. ARMSTRONG:

Q. You mentioned earlier that Canada, unlike some European countries, and I think you mentioned France and one other European country, has never had an Olympic training center. I take it the U.S. has this

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Olympic training center in Colorado Springs?

5 A. Yes. It's really an excellent facility. It's at altitude which allows their athletes to buildup their blood levels and so on. They have the boxing team there year round. Many other teams, soccer and wrestling and so on, many of their aerobic sports. Basically it's booked year round with teams coming in and out.

10 Q. And we in Canada do not yet have anything like that?

A. No, we do not.

Q. And the practice in Canada seems to have been to develop centres through existing plants at universities and colleges, am I right?

15 A. Yes, just --

THE COMMISSIONER: What do they call high performance centres of which yours is one; is that right?

THE WITNESS: Yes, they have attempted to take existing facilities and within the facilities we have available to put the coaches in place.

20 THE COMMISSIONER: Right.

THE WITNESS: And hopefully the coaches will find the funding. It's just not possible in Canada. Just to give you an example, in Faux Reme(phon) in the French Pyrenees, their training center built in the 1966

25

cost \$200 million U.S. dollars 1966. So, this obviously is completely out of the question for our country.

BY MR. ARMSTRONG:

5

Q. All right. Then going back to the Colorado meet, you mentioned that both Angella Issajenko and Tony Sharpe broke Canadian records and in what events?

10

A. Angella Issajenko, then Taylor, ran 11.03 in the 100 meters for a new Commonwealth record and 22.25 in the 200 meters for another Canadian record. And also Tony Sharpe ran 20.22 in the 200 meters for a Canadian record. These performances ranked them second and third in the world at that time.

15

Q. And then the mens and womens 4 by 100 relay teams both broke Canadian records at that meet?

A. Yes, they did. They both beat the American national teams in that competition.

Q. How many of the members of each of those relay teams were coached by you?

20

A. In the mens 4 by 1, all of them. And two out of the four in the womens 4 by 1.

Q. All right. Then in 1982, there was something called an Eight Nations Meet in the Toyko?

A. Yes, that's correct.

25

Q. And the Eight Nations Meet involved

United States, Soviet Union, East Germany, West Germany, France, Italy, Japan, and Canada. Is that correct?

A. Yes.

Q. And again did you have your sprint group as part of the Canadian contingent competing in the Eight Nations Meet?

A. Yes, we did.

Q. At some point in time I take it, Mr. Francis, and I don't know whether it's by 1982 or not, the national team so far as sprinters are concerned, with one or two or small number of expectations are virtually all your athletes?

A. With exceptions, yes.

Q. And is this the situation by 1982?

A. Yes.

Q. All right. And how did Angella Issajenko do in the Eight Nations Meets in Toyko in 1982?

A. She won the 200 meters and beat the European champion who had just won the European championships two weeks before and gave her the first defeat of the year. And also came back in the 100 meters and had to face the world record holder who had -- was fresh and did not have to run the 200 first and still was narrowly beaten in the time of 11.08, and was voted outstanding athlete of the meet.

THE COMMISSIONER: I am sorry?

THE WITNESS: She was the outstanding athlete of the meet for female.

5 BY MR. ARMSTRONG:

Q. And the woman that she beat in the 200 meters, she was a sprinter from East Germany?

A. Yes, she was the Olympic champion from '76 and '80 and had been undefeated in 1982.

10 Q. And how about Desai Williams, how did he do in the Eight Nations Meet of Tokyo?

A. He won the 200 meters also defeating the European championship and he was voted the male athlete of the meet.

15 Q. All right. Now 1982 is also a significant year because that's a year in which the Commonwealth Games were held in Brisbane. And I assume that again the Canadian sprinting contingent was largely your group of athletes; am I right?

20 A. Yes, that's correct.

Q. And let's take some of them starting again with your woman superstar Angella Taylor-Issajenko. How did she do in the Commonwealth Games in Brisbane in 1982?

25 A. She won the Commonwealth Games 100

meters with a new Commonwealth record of 11.00, the second fastest performance in the world that year.

5 She ran 10.92 wind-aided in the preliminaries which was the fastest time of the year. She ran 22.46 in the 200 meters and was third. She was a bronze medalist. She was a silver medalist in the 4 by 1 relay, and a gold medalist as a surprise in the 4 by 4 relay where she was a last minute replacement to run on the 4 by 4 team.

10 Q. All right. And she ran the anchor on the 4 by 400?

A. Yes, and beat the heavily favoured Australian team.

15 Q. Then let's take some of the men. How about Mark McCoy. How did he do in the Commonwealth Games?

20 A. He broke the Commonwealth record in the hurdles as a surprise. He was ranked fifth coming in the competition and he won and broke the Commonwealth record. He improved his personal best from 13.82 to 13.37, establishing a Commonwealth record.

Q. Then you had this young sprinter on your team at that time called Ben Johnson. How did he do in the Commonwealth Games in 1982?

25 A. He came through with a very surprising

finish. He was second in the 100 meters, only
three-hundredths of a second behind the Olympic champion,
Alan Wells. With a wind-aided performance Wells ran a
10.02, and Ben ran 10.05. Desai Williams and Tony Sharpe
5 were also finalists finishing I believe fifth and seventh.

Q. All right. And how did the men do in
the relay, the 4 by 1?

A. They were silver medalists with Ben,
Desai, Mark, and Tony Sharpe.

10 Q. Now, is this the point in time then
when Ben Johnson starts to emerge as an obvious
international star or is it early yet?

A. Actually earlier he had emerged. In
1981, he set a national junior record of 10.25, which was
15 really a fabulous junior time. And he made the finals.
He was the first Canadian to make the finals in Zurich,
Berlin, Cologne and these major competitions.

It should be understood it takes often a
faster time to make the final in Zurich than it does at
20 the Olympic games because there is no limit to how many
Americans can participate. So, he had shown that he was a
big money player who could come through under pressure.
He only needed to improve his finish.

Q. All right.

A. He was already a world class star.

THE COMMISSIONER: How old was he then?

THE WITNESS: He was 19.

THE COMMISSIONER: Nineteen.

5

BY MR. ARMSTRONG:

Q. All right. Perhaps I just want to take you back. I am not sure exactly what you meant when you said that Ben or that the Americans when they participated in Berlin, Cologne, and Zurich could put in as many competitors as they wanted. Is there some restriction at other meets?

10

A. In the Olympic Games there can only be three from each country. So, naturally the number of Americans is limited, but on the world list they may go very far down the list. And in some cases -- one year in Zurich there were 32 entries, 24 of them were Americans. And all 24 were among --

15

Q. Is that what, in the 100 meters?

A. Yes, in the 100 meters. So in 1984 for example in Zurich, it took 10.32 to make the Olympic final in 100 meters and 10.16 to make the final in Zurich.

20

Q. I see. All right. And this might not be a bad point just to put a little asterik beside Zurich.

As I understand it there is a series of meets usually in August in Europe that you have mentioned

25

Zurich, Cologne, Berlin, that are kind of must meets for the elite athletes and in particular Zurich falls into that category, am I correct?

A. Yes.

5 Q. And am I right that many people hold the view that the meet in Zurich is really the -- no matter what is going on in the rest of the world at other times, the Zurich meet is really premier track and field meet of the summer?

10 A. Yes, that's correct, the second only in importance to the Olympic games and the world championship.

15 Q. All right. Then I am sorry if I have already asked you this question I apologize, but in case -- I don't think I have in respect of the Commonwealth games. We went back to it. The womens 4 by 400 team that was anchored by Angella Issajenko, it included Charmaine Crooks, Molly Killingbeck, and Jillian Richardson. All three of those athletes or all four of those athletes rather, are your athletes; am I correct?

20 A. Jillian was not training with me at that time. In 1984 she came to Toronto and worked with me for three years.

25 Q. All right. And the group that you mentioned in the mens 4 by 100 that took the silver medal,

am I right that all of those were your athletes --

A. Yes, that's correct.

Q. -- on the mens team. All right. Then that, Mr. Francis, is 1982. Let us move along to 1983.

5 Again I assume the early training begins in the fall of '82, followed by the indoor season in January-February of '83; is that correct?

A. Yes, that's correct.

10 Q. And then you are off to your usual spring training camp this year again in Tallahassee?

A. Yes.

Q. That was followed by a special sprint training camp sponsored by the CTFA at Provost, Utah at Brigham Young University?

15 A. Yes, that's correct.

Q. And by this time -- well, let me take the Tallahassee training camp. Is that again sponsored through the usual sources with the assistance of the Scarborough Optimist track and field group?

20 A. Yes, that's correct.

Q. So again no government funding, nothing through the CTFA?

A. No.

25 Q. Then the Provost, Utah sprint training camp at Brigham Young, that was sponsored through the

auspices of the CTFA?

A. Yes, that's completely funded by them.

Q. And obviously at Provost, Utah there would not only be your group of athletes but other track
5 and field athletes who were members of national teams?

A. Yes, that's correct.

Q. And but was this only a sprint camp or were there other -- were there other events?

A. Initially only sprints.

Q. All right. So again the great
10 majority then would be your group?

A. Yes.

Q. All right. Then that year, as I understand it, '83 was a bit of a bad year for Angella
15 Issajenko because she was hurt a good part of that year?

A. She developed a sciatic problem that was compounded by certain physiotherapy treatments.

Q. Then you had a couple or three other women athletes: Molly Killingbeck, who broke the Canadian
20 record in the 400 meters; Marita Payne, who broke also the record in the 400 meters; and Charmaine Crooks, who also, am I right, broke the record in the 400 meters or are my notes wrong?

A. All of them did, but Marita was only
25 training with me in the summer. She was working at the

Florida State University so she was in our club but was not directly coached by me.

Q. All right. Then I am going to move you along to 1984, and that was a season in which the highlight was I assume obviously going to be the Olympic games in Los Angeles?

A. Yes, that's correct.

Q. In anticipation of the Olympic games in Los Angeles, was there some arrangement made that training facilities would be available to your sprinting group in Guadeloupe?

A. Yes, I made a special application for funding support to Sport Canada. They had a special support program for A and B carded athletes. These are athletes in the top 8 or top 16 in the world. And I made a submission to Bill Hicala(phon) at Sport Canada who was very helpful in arranging it, explaining why it would be necessary to have warm weather training camps off shore from the United States.

As you may know every fourth year they have a thing call El Nino current which runs and often is very disruptive of weather in both the east coast and Florida and on the west coast in California. So, the weather would be unpredictable. There was a facility available in Guadeloupe which would be staffed with support teams from

the French national team which used it, and the accommodations were as cheap as is possible to get. Room and board was \$9.53 a day U.S.

THE COMMISSIONER: What was the address?

THE WITNESS: They closed it down

unfortunately. But it was really an excellent arrangement that enabled us not only to take national team members but other lower level athletes even those who were not carded but who could afford to attend such a camp.

BY MR. ARMSTRONG:

Q. All right. I understand that the Guadeloupe location also had a particular attraction for your group because apparently Angella Taylor-Issajenko was quite a popular person in Guadeloupe; is that so?

A. Yes, extremely popular. She was the most popular athlete on the island and had been there for several years, had set all the records for 100 and 200 in their competitions. And was very friendly with the people on the island and they --they liked her very much. In fact, if any of you are familiar with the French breakfast cuisine, you usually get a roll and a cup of coffee. During the period that Angella stayed in the facilities called the Creps, which is the international training center, we were getting bacon and eggs and

everything. As soon as she moved out, we were back to rolls and coffee. But anyway it was quite an excellent training set up.

5 Q. All right. And then the national championships that year were in Winnipeg?

A. Yes, they were.

Q. And I understand that typically in the Olympic year the national championships also become the Olympic trials?

10 A. Yes. Now, in our country, it's difficult to say trials per se. We would never leave a top athlete off the national team. If they were unable to compete for one reason or another or if they had a temporary injury on that day you simply wouldn't select
15 the little kid who comes across the line ahead of them put them on the team and leave the star of the team at home. We don't have the stars to lose as perhaps the United States has.

20 Q. All right. Now, presumably in the Los Angeles Games in 1984, were you one of the accredited, if that's the right word, Canadian Olympic team coaches?

A. Yes.

Q. And so you were one of the sprint coaches, I take it?

25 A. Yes.

Q. And among the group of athletes from the Scarborough organization that you have been coaching all along, in the men there was Ben Johnson, Tony Sharpe, Desai Williams, and Mike Sokolowski. And was Doug Hines one of yours?

A. No, he was in our club.

Q. All right.

A. And his brother Sterling was also on the team.

Q. Sterling Hines?

A. Yes.

Q. All right. And then of course Mark McCoy in the hurdles I assume was also in the 1984 Olympics?

A. Yes. Now during that period Mark and Desai were basically decided they wanted to coach themselves and sort of went their own way in the 1984 year.

Q. I see. It was about the fall of 1983?

A. Yes.

Q. That they decided to go their own way and coach themselves?

A. Yes.

Q. All right. Well, we will only give you half a credit for Mark McCoy in the 1984 Olympics then, but let's just see how they did. Let's take the

mens 100 meters. How did Ben Johnson do? What was his time and what was his placing?

A. He ran 10.22 and got the bronze medal in the final of the 100 meters.

5

Q. Yes. What about Tony Sharpe, how did he do?

A. He had the best performance there of 10.28. He made the final also.

10

Q. And then in the 4 by 100 relay team mens, how did Canada do there?

A. We got the bronze medal in the 4 by 100 meter relay.

Q. Who of your athletes were on the 4 by 1 team?

15

A. Well, Ben and Tony. Of course Desai and Sterling Hines were also mine.

Q. So, again the entire team were athletes coached by you?

A. Well, either directly or indirectly.

20

25

Q. And then the 4 by 400 relay team, who was on it?

A. Doug Hines, Tim Bethune.

Q. Sakolowski?

5 A. Sakolowski and I am not sure who the last one was. It could have been John Graham, I am not sure.

Q. All right.

A. Or Bryan Saunders, I am not sure.

10 Q. And the 4 by 400 team made the final?

A. Yes, they did, which was a surprise to a lot of people.

Q. And how did Mark McKoy do in the hurdles?

15 A. He was 4th in the final.

Q. 4th in the final. Now, of course, 1984 was the year of the boycott by the Soviet Union and then other eastern bloc countries. So, at the end of these results of Ben Johnson and the 4 by 100 men's relay team and so on, do we have to read down the results as it were, is it a factor that the eastern countries have boycotted the L.A. Olympics?

20 A. In the men's events, not in the sprints. No eastern bloc athletes advanced past the quarter finals in the world championships in Helsinki in
25

'83. So it was unlikely they would have been factors in the 100 or the 200.

Q. All right.

Q. So those events then based on the 1983 world championship results, if you would -

A. It stands up.

Q. It stands up, okay. And then looking at the women in 1984, Angella Issajenko, did she compete in the 100 and 200.

A. No, she only ran the one hundred. She pulled her hamstring the quarter finals of the 100 metres and she was able to advance through the semis and also run the final but it was significantly hampered by the injury.

Q. So she was running hurt and indeed made the finals however and placed 7th?

A. Yes.

Q. And then she wasn't then able to run the 200.

A. No. We rested her in order to compete in the relay.

Q. All right. And then she then ran in the 4 by 100 relay?

A. Yes, and they got the silver medal.

Q. All right. And then on the women's

relay team, 4 by 100, was Angela Bailey, Marita Payne, Angela Taylor and France Gareau?

A. Yes.

5 Q. And other than Angella Issajenko, are any of those other 3 your athletes?

A. Yes, I had worked with France Gareau extensively that year, she attended all our training camps. Even though she was from a small town in Northern Ontario she was still in high school in fact.

10 Q. I see. Okay, then in the women's 4 by 400, how did the team do?

A. They got the silver medal, 4 by 4 and set a commonwealth record in the process.

15 Q. And that team was composed of Charmaine Crooks, who is one of your athletes?

A. Yes.

Q. Molly Killingbeck who was one of your athletes?

A. Yes.

20 Q. Jillian Richardson, was she one of your athletes?

A. At that time, yes.

Q. And then Marita Payne?

A. Yes.

25 Q. Was she one of your athletes?

A. She trained in the group but she was not considered one of my athletes.

Q. And then in the women's 400 metres, Marita Payne came 4th and Charmaine Crooks came 6th, is that correct?

5

A. Yes.

Q. All right. Then that's the 1984 season Mr. Francis. I want to move you along to the 1985 season. And again I take it the usual fall training, followed by the indoor season followed by warm weather training and spring break?

10

A. Yes.

Q. And the spring break in 1985, you were in Tallahassee, Florida again?

15

A. That's right.

Q. And what facility did you use when you were in Tallahassee?

20

A. Florida State University has excellent facilities, they have an outdoor track and weightlifting facilities but more important to us they have a lot of excellently maintained grass fields for the athletes. That was our number one priority for that period.

25

Q. And as you mentioned earlier it's important at that stage with these athletes running on hard surfaces all winter to get some time on the grass, is

it?

A. Yes, to protect their legs.

Q. When you went to Florida State, for example, what was the arrangement with the university?
5 Did you have to pay for their facilities?

A. No, they were very helpful. Gary Winckler was the coach there, in fact he coached Marita Payne and he did a lot of ground work. There were three
10 Canadians who had gone there from our club and Marita was the person most prominent and he was very helpful in making arrangements for us at the hotel across the street and generally making us welcome.

Q. So, in terms of actual track facilities and field facilities, they were generously provided by the
15 university itself?

A. Yes, that is correct.

Q. When you went down to East Tennessee the one time, the one or two times you mentioned, was it the same, that East Tennessee would simply make their
20 facilities available to your group?

A. Yes, they did everything possible to try and help.

Q. And again they would have been helpful I assume because there was the connection with Peter
25 Cross?

A. Yes, and the possibility of course some of our athletes might go there.

Q. Yes.

A. The same with Clemson University of course.

Q. All right. And then you also in the 1985 season had a training session at Provo, Utah at Brigham Young University?

A. Yes.

Q. And again would the university there make their facilities available without charge?

A. Yes, they did.

Q. All right. Now, let's look again at the competitive year in 1985, in particular related to Ben Johnson. He ran in the world cup meet in Canberra, Australia, am I right?

A. Yes.

Q. And how did he do?

A. He won the gold medal and set a commonwealth record of 10.00 which was run into a point 5 head wind which was the fastest time ever recorded into a negative wind.

THE COMMISSIONER: I'm sorry it was the fastest time?

THE WITNESS: Ever recorded running

against the wind. And also he won in Zurich, the 2 most prestigious races of the year, and he defeated Carl Lewis in Zurich.

5 THE COMMISSIONER: Well, we are not in Zurich yet.

THE WITNESS: That was before.

THE COMMISSIONER: You skipped that did you?

10 MR. ARMSTRONG: No, no. We were at the world cup in Canberra, Australia, I guess I jumped ahead?

THE WITNESS: That's at the end of the year, that was in October.

MR. ARMSTRONG: I apologise, I had it confused, Mr. Commissioner.

15 Q. So, the 2 highlights for Ben Johnson and presumably to some extent for you, Mr. Francis, then are Ben Johnson's performance in Zurich which would have been in August in which he beat Carl Lewis and the performance at the world cup in Canberra, Australia where
20 he ran --

THE COMMISSIONER: This was August of 1985?

THE WITNESS: Yes. And also he won the inaugural world indoor championships in Vercy in Paris.

Q. All right.

25 A. 60 metres.

THE COMMISSIONER: The one in Zurich and the world cup, that's 100 metres?

THE WITNESS: Yes, the 100 metres.

MR. ARMSTRONG:

5 Q. Now, each year the publication Track and Field News publishes rankings in each of the events worldwide, and by this time was Ben Johnson a factor in those world rankings?

10 A. Yes, they ranked him second although I certainly felt he should have ranked first.

Q. All right. Who was ranked first?

A. Carl Lewis.

THE COMMISSIONER: For the year 1985?

THE WITNESS: Yes, for 1985.

15 MR. ARMSTRONG:

Q. And not that it is really important for our purposes I guess to get into a dispute as to whether or not Johnson should have been ranked first over Lewis but since you mentioned that, why do you say that?

20 A. Well, the main competition of the year was the world cup. Lewis could have represented the United States and was given the opportunity in Tokyo to go to Canberra to represent the United States and after Ben ran 10.04 in the world cup trials in Puerto Rico with a
25 poor start he then withdrew from the American team and

went home.

Q. All right.

A. So, I don't think you should be able to
get the ranking unless you are actually coming to defend
yourself.

Q. All right. So, without wanting to
short change your other athletes in 1985, would it be fair
to say that then one of the clear highlights of the '85
season was Ben Johnson's performance and certainly
emergence in your mind as the number one sprinter in the
world and semi-officially or officially ranked as the
number 2?

A. Yes, that's correct.

Q. All right. Then I am going to take
you along to 1986. 1986 I think was a year where you went
back for warm weather training both in the fall of '85 and
the spring of 86 to Guadeloupe?

A. Yes, that's correct.

Q. And again presumably the same
arrangements were made with the facilities of the France
national team in Guadeloupe?

A. No, at that time we had made an
arrangement with the Holiday Inn down there that would
provide rooms at a very low rate for us so they were
better facilities and not much expense.

Also, I might point out that that again was extensively funded by Sport Canada through a special preparation program for the Commonwealth Games.

5 Q. All right. And then also in 1986 at the March break, you took your own group again to Tallahassee?

A. Yes, we did.

10 Q. And that would have again been sponsored through the auspices of the Scarborough Optimists Track And Field Club?

A. Yes. But also it was at that point open to other athletes in the country. A number of other athletes did take advantage and come but they were responsible for their own expenses.

15 Q. But again the point I wanted to make here was that the Tallahassee as training camp would not have involved at least directly any public funding, am I right?

A. In Tallahassee, no.

20 Q. You are not getting money from Sport Canada.

A. No.

Q. Or through the Canadian Track and Field Association?

25 A. No, not at that point.

Q. All right. And then not wishing to attempt to shut the Sport Canada and CTFA out?

A. I might point out --

THE COMMISSIONER: Wait, Mr. Armstrong?

5

THE WITNESS: I might point out in

fairness that a number of the athletes had training budgets from the Canadian Track and Field Association.

Each year Sport Canada provides to a carded athlete money that can be used and so for example they could have gotten, you know, at this point, the higher up athletes were responsible for their own meals and so on and they were getting money out of their travel budget for meals if it was available.

10

Q. I see, okay?

15

A. They had anywhere from \$600 to \$2,000 per year available, depending on their stature.

Q. All right. Then there was also a further training camp in Provo, Utah?

A. Yes, there was.

20

Q. And that was sponsored through, by Sport Canada through the auspices of the Canadian Track and Field Association?

A. Yes, that's correct.

25

Q. Now, looking at the competitive year and again before we get to the Commonwealth Games let's

take a look at Ben Johnson. There was a meet in San Jose I believe, am I right?

A. Yes.

Q. That is the Bruce Jenner meet in California?

A. Yes. I might go back. Twice in the winter he set world records in the 60 metres. He ran a time of 6.50, January 15th, in Osaka and again equalled that time at the national championships in Edmonton in late February.

Q. All right.

THE COMMISSIONER: And that's 86?

THE WITNESS: Of '86, yes.

THE COMMISSIONER: The one in Japan and the one in Canada?

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. Right. Then let's look at the Bruce Jenner meet in San Jose California. That was a meet in which Ben Johnson again in the 100 metres went head to head with Carl Lewis?

A. Yes, that is correct.

Q. And what was the result?

A. Ben won the race 10.01 to 10.18. So it was very clear.

THE COMMISSIONER: What date was that
please?

THE WITNESS: I believe May 24th.

THE COMMISSIONER: May of '86?

5 THE WITNESS: I believe so.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

10 Q. All right. And then also that summer
there was a dual meet in East Germany. Did your athletes
participate in that?

A. Yes, they do.

Q. Did that include Ben Johnson?

15 A. He did not because he had just come
back from the Goodwill Games in Moscow where he again had
a confrontation with Carl Lewis.

Q. And the Goodwill games in Moscow,
perhaps we could just take a moment to talk about them.
They principally are games held between the US national
team and the Soviet Union national team, is that so?

20 A. Yes, but it is completely privately
funded by Ted Turner and the idea was to create basically
a private major games that would not fall into the
auspices of the IAAF or the IOC or some other parent body.

25 Q. All right. Ted Turner being the
American media -

A. Yes.

Q. - businessman of some considerable
note?

A. Yes, and means.

5 Q. And then the Goodwill Games in Moscow
in 1986 extended apparently an invitation to Ben Johnson?

A. Yes, they wanted a confrontation
between Ben and Carl Lewis to take place there.

Q. And what was the result of that?

10 A. Ben again won convincingly and
established a world sea level record of 9.95 seconds
despite having his block slip. Carl Lewis ended up third
at 10.07.

THE COMMISSIONER: The blocks lifted?

15 THE WITNESS: The starting block slipped a
little bit at the start and he lost a few hundredths. So
it was believed he probably could have broken the actual
world record of 9.93 set at altitude by Calvin Smith.

20 Q. All right. And then Carl Lewis was
third at what time?

A. 10.07.

Q. 10.07. And who was second?

A. Chito Emo from Nigeria who ran 10.06.

Q. Okay.

25 THE COMMISSIONER: You have a most

remarkable memory?

THE WITNESS: You get used to it after.
So many athletes and so many times.

THE COMMISSIONER: If Mr. Armstrong had that
5 memory he would be a pretty good lawyer.

MR. ARMSTRONG: I would be happy to try to
change places. Mr. McMurtry is giving the witness hand
signals here, that's why he knows these times so well.

Q. All right. Then let's test your
10 memory a little more, Mr. Francis. At the Commonwealth
Games in 1986, again I take it your group of athletes
formed the bulk of the Canadian sprinting team?

A. Yes, that's correct.

Q. And let's take the men, starting with
15 Ben Johnson, how did he do at the Commonwealth Games in
Edinbrough.

A. He won the gold medal in the 100 meters
with a 10.06, a bronze in the 200 metres, I believe he ran
20.4 or something, I am not sure,

THE COMMISSIONER: I spoke too soon?

THE WITNESS: That is 200 metres.
Especially with Ben we want to forget sometimes. Anyway,
he was a bronze medalist in the 200 metres and they won
the gold medal in the 4 by 100 metre relay.

Q. And then how about Mark McKoy, how did
25

he do?

A. He won the gold medal in the hurdles.

Q. And he was part of the 4 by 100 relay team?

5 A. Yes.

Q. And Desai Williams, did he get to the finals in the 100?

A. Yes he was 4th in the 100 metres.

10 Q. And also a member of the 4 by 100 relay team?

A. Yes.

Q. And so he was good for a gold in it?

A. Yes.

15 THE COMMISSIONER: Was Tony Sharpe still running at that point?

20 THE WITNESS: Tony Sharpe was injured at that point and he didn't go to the Commonwealth Games but Atlee Mahorn was running the relay by then who had come to international prominence and in fact Atlee won the gold medal in the 200 metres.

THE COMMISSIONER: Mahorn did?

THE WITNESS: Yes.

THE COMMISSIONER: At the Commonwealth Games?

25 THE WITNESS: At the Commonwealth Games,

yes.

MR. ARMSTRONG:

Q. All right. Let's take a look at some of the women. For example, Angella Issajenko, how did she do in the 100 metres?

A. She got the bronze medal in the 100 metres, she was unfortunately only 100th out on the gold medal position.

Q. The 200 metres?

A. The 200 metres. She won the gold medal.

Q. And then the women in the 4 by 100 took the silver medal?

A. Yes.

Q. And were any of your athletes part of the 4 by 100 team?

A. Yes, Angela Phipps who was another athlete, Angella Issajenko were both on the relay.

Q. And then in the 4 by 400, the women's team, how did it do?

A. They won the gold medal.

Q. And any of your athletes on the 4 by 4?

A. Yes Charmaine Crooks, and Jillian Richardson,

Q. Molly Killingbeck?

A. Yes. And the other one was Marita Payne who was also in our club but not coached by me.

Q. And then going back to the individual events in the women, in the 400 metres, your athlete
5 Jillian Richardson won the silver medal?

A. Yes, that's correct.

Q. Okay. And then I take it that all of these performances in Edinbrough were run under the usual conditions of the Scottish winter that is enjoyed year
10 round over there?

A. Yes, it was 6 degrees celsius, it was very, very cold.

THE COMMISSIONER: Was this outdoors?

THE WITNESS: Yes, unfortunately. We
15 asked a woman is it always like this, well, it is usually much worse. So, we were well warned.

Q. All right. And then the one other meet that I wanted to ask you about in 1986, is the meet in Zurich that we talked about as being the premier track
20 and field meet apart from the olympics, did Ben Johnson run the 100 metres in Zurich that summer?

A. Yes, he did.

Q. And did Carl Lewis run the 100 metres?

A. Yes he did.

Q. And what was the result?
25

A. Ben beat him 10.03 to 10.22 into a one metre head wind and he also stopped running to waive to the crowd 20 metres from the end. So he interrupted it a bit.

5 Q. That seems to be a habit that he developed to perfection later on?

A. Yes. The East German coach in fact ran down from the stands and told me if he was the coach he would have killed him or something because he would
10 have probably broken the world record but nobody could know when you are running into a head wind if fact you are running at that speed. So his only interest was to win.

Q. All right. Now, in 1985, you were disappointed that Johnson had ended up ranked number 2 the
15 lowest but you were I take it not disappointed in 1986 because Johnson ended up ranked number one in the world in the 100 metres?

A. Yes, there was no question about that.

MR. ARMSTRONG: Mr. Commissioner, I am
20 going on to another topic in 1986 at this point. It is a bit early. I am certainly prepared to continue.

THE COMMISSIONER: Would you like to adjourn until 2:15?

MR. ARMSTRONG: Yes, it might be a good
25 point rather than break it up.

THE COMMISSIONER: We will adjourn until
2:15.

--- LUNCHEON ADJOURNMENT.

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Upon resuming.

THE REGISTRAR: Okay. Photographers, please out. Thank you.

THE COMMISSIONER: Mr. Armstrong.

5 MR. ARMSTRONG: Thank you, Mr. Commissioner

BY MR. ARMSTRONG:

Q. Mr. Francis before the luncheon recess, we had concluded the competitive 1986 season with the
10 Zurich meet with Ben Johnson running 10.03 to Lewis' 10.21 or 10.22. And the fact that by the conclusion of the '86 season, the Track and Field News, the Bible of the track and field world, had ranked your athlete, Ben Johnson, number one in the world.

15 Now, I wanted to move along to the 1987 season. And in 1987, again you had an indoor --

MR. McMURTRY: Excuse me, I meant to the say something, excuse me, Mr. Armstrong.

THE COMMISSIONER: Yes.

20 MR. McMURTRY: And I wonder, perhaps for the assistance of our friends in the media and I apologize Mr. Commissioner for not raising this as soon as you came back this afternoon, and I had expressed concern to Commission counsel that there is great pressure on counsel
25 and of course more so on witnesses to comment on the

evidence has been given before you, sir.

At noon today it was requested that I comment on the evidence. I didn't have an opportunity to have much of an interaction with the press because I was
5 here on the premises, but I think it would be of great assistance to counsel if you made it clear once more or which is my understanding that you do not wish counsel to comment on the evidence outside of the hearing room during the course of this Commission.

10 And, of course, that is all that more important for my client, Mr. Francis, because quite frankly we don't want our friends in the press to think that for some reason we want to be unco-operative, but clearly that was your intention as I understood it at the
15 outset, but judging by some of the questions that we were faced with over the noonhour it would appear that your wishes in that regard, sir, have not -- don't seem to be clearly understood. And I just wondered -- I could have raised it at the end of the afternoon but while it was
20 still on my mind I thought it might be helpful if that could be restated.

THE COMMISSIONER: Well, thank you. I must confess I am at a loss to understand why it is not being understood.

25 I have said on more than one occasion that

the proper way of running a Commission is for witnesses to confine what they have to say when they are in the witness box under oath in the presence of those who are interested in what they have to say who may be prejudiced by it and their counsel the right to cross-examine.

It is not helpful if counsel for a witness makes statements outside what is presented to me. And therefore I have invited counsel to confine their comments on the evidence and their submissions to what is submitted to me. That is the only material that I can consider. And that is the only material which I think is meaningful information, because it has the support of testimony under oath, and submissions of responsible counsel made to the Commissioner.

And if that's not clearly understood, I don't know how I can make it clearer. I have said it three times and I find it disappointing that the media will give prominence to statements not made under oath, in the privacy of some other quarters, not subjected to cross-examination, and give it the prominence and the appearance of credibility as if it were made under oath.

We have reputations at stake here. I have always been a firm believer that a man's most precious prize or a woman's most precious prize is reputation. Hard to gain, easy to destroy. It should not be destroyed

unless there has been some sound basis for it.

And that is my view. If there is any problem about it, the whole purpose of opting for a public inquiry, this is not a courtroom, and I am not obliged to have these hearings conducted in public. I have done so in the hope that the public will be informed of the progress of this Commission and what is being said before me, what is being submitted before me. So they will keep track of the work we are doing. And that's why I have gone the public option.

All witnesses before the Commission are Commission witnesses. They are all subpoenaed here or they have waived their subpoena. It is also my responsibility to protect those witnesses and I intend to do so. Thank you.

MR. McMURTRY: Thank you, sir.

THE COMMISSIONER: Mr. Armstrong.

BY MR. ARMSTRONG:

Q. Now, Mr. Francis, moving along to 1987, and I am not -- I don't know whether 1987 is a particularly typical year or not, and forgive me if I have picked a bad one and if you want to pick another one, fine, but most of my questions so far as the competitive season is concerned have focussed on the 100 meters, 200

5 meters, therefore the outdoor season in Europe, Canada, the nationals and then in the particular years when there were Pan-American Games and Commonwealth Games and the Olympics, but we are going to hear a lot of evidence not only during the course of your evidence but in respect of other witnesses about the indoor season.

10 And can you just take a moment or so and tell us typically where the meets were in the eighties that your athletes competed in and to what extent or to the extent of what events they participated in.

15 A. Well, usually there are three competitive periods during the year. The first one would be the indoor period which primarily was contested in North America. However, in recent years it's become more popular in Europe and in 1988 there was a fairly substantial grouping of European meets started. But most of the meets were in North America.

20 And in the summer there are usually two competitive periods, the June period and the August period. And these meets are contested in Europe primarily. Of course, within Canada really the only -- there are the national championships indoors and national championships outdoors.

25 Q. All right. Now, we, of course, who live in Toronto are well familiar except unfortunately not

this year with the indoor games that have for many years taken place at Maple Leaf Gardens. And also we are not very far removed from Hamilton, we are familiar with the Hamilton Spectator Games in Hamilton that are, I think, the oldest indoor games in North America?

A. Yes.

Q. Now did your athletes typically participate in the Hamilton Spectator games, what I think at one time were the Toronto Telegram Games, became the Toronto Star games for a period, then it the Toronto Sun Games?

A. Well, the primary meets in Canada were -- sometimes they would compete in competitions in Saskatoon which would invariably occur at the end of December. Then they would have competition in Toronto, Sherbrooke, Ottawa, and more lately in Hamilton as well, the increased prominence of their competition and moved it into Copps Coliseum.

There were competitions in the United States available also in New York at the Milrose Games, in the Meadowlands which would be the -- I forget the name of competition there, but Meadowlands.

Q. That's in New Jersey where the New Jersey Devils play hockey?

A. Yes.

Q. All right.

A. Quite often the national championships were held in Edmonton --

THE COMMISSIONER: It's the New Jersey Devils, not the Devils?

THE WITNESS: So they would be the main spots for indoor competition in North America. A meet of considerable interest to us was Osaka, Japan. Obviously Ben was strangely successful there on a number of occasions in 1985, '86, and '87.

BY MR. ARMSTRONG:

Q. Now, what events did your athletes enter in those indoor meets?

A. Well, primarily the athletes would run short distance sprints such as 50 meters, 60 meters, 60 yards, all short distance events. Particularly with sprinters, I tried to keep them away from anything around the curves for the pure sprinters because of the difficulty in negotiating corners and the injuries that might occur.

Q. All right. Then there is something in 1989, I know because I have read it about it, called the Grand Prix circuit. And did that exist in 1988, 1987?

A. Well, it started I guess 1986 in the

indoor season. And there was a similar concept to the outdoor Grand Prix circuit, but it was significantly less money involved and the prize structures and so on. So it's of less interest to the competitors than the outdoor circuit.

Q. All right. And without getting in to the particular details of what was involved, did some of your athletes from time to time have the benefit of being paid performance fees if they attended both indoor and outdoor meets?

A. Yes. Most of them would have received funds ranging from very small token amounts up to substantial amounts, in the case of the top athletes.

Q. All right. And the requirement in respect of the performance fees I guess again that would require the performance fees to be paid in to the trust fund of the Canadian Track and Field Association?

A. Yes. If they were over I believe it was over \$500. In a lot of cases the money could be considered simply as expenses. A lot of the athletes are getting \$200 or \$300, the CTFA would have been inundated with trivia if they tried to deal with these amounts. Obviously they were simply reimbursements of expenses and were considered thus. So really it was only the higher amounts that were considered for that.

Q. All right. Then in the 1987 indoor season, did your athletes attend the meets in Saskatoon, Hamilton, Ottawa, Sherbrooke?

5 A. They were not in Saskatoon that year, but they had been in previous years, but they were in Ottawa, Sherbrooke, Toronto at that point, and Hamilton.

Q. All right. And in general terms if you recall how did they do in the 1987 indoor season?

10 A. They had excellent years, both Ben and Angella most specially with Ben setting a world record in Osaka in January 15 with a time of 6.44 seconds.

Q. That will be for the 60 meters?

15 A. For 60 meters. Ben actually had a little stop off in Australia where they had as you know they have the reverse season. He ran an outdoor 100 meters there and ran a handtime of 9.7 seconds which was the fastest ever recorded. Came back from Australia, ran in Ottawa, set a new world record of 50 meters with 5.55 seconds.

20 At this time Angella Issajenko accompanied him to Australia, ran a handtime 10.8 seconds for 100 meters came back to Ottawa and ran a 6.06 which was also a world record in 50 meters.

25 Then at the national championships, Ben again tied the world record -- his new world record at

6.44 seconds in Edmonton. And Angella Issajenko set a new Canadian record, one of many she set that year, at 7.13 seconds.

5 Then at the world indoor championships, Ben won the world championships and ran a new world record again at 6.41 seconds.

10 And a real heartbreaker, Angella ran a new Canadian record for fifth time of the season at 7.08, lost the final by one-thousandth of a second which was a real heartbreaker. Everyone thought she had won and later discovered in the photograph the other girl had turned her shoulder into the tape first. So, it was very successful.

Q. Who was it that beat her?

A. Noella Combs (phon).

15 Q. From Holland?

A. Yes.

Q. All right. Then moving along to the outdoor season, did these two superstar athletes of yours continue to have good outdoor seasons?

20 A. Yes. They opened up with good performances in Provost, Utah. Angella ran 11.13 which was the fastest time in the world up to that point in the season. But Ben, although he won the 100 meters with a 10.25, had cramped up in his calf and he had a slight injury in his calf.

25

We subsequently flew to Europe, went to Seville where there was a very high profile competition where Ben faced Carl Lewis for the first time in the '87 season.

5 Q. That was virtually a Lewis-Johnson match race really, was it?

A. Well --

Q. Or billed as such?

A. Billed as such. There was a
10 considerable amount of controversy. Lewis' entourage attempted to get out of the race and had a number of phone calls back and forth trying to get the venue changed and the date changed, but we couldn't be involved.

So they did match up. Ben won the race
15 quite easy looking over his shoulder at 10.06 to 10.07. And then followed a considerable amount of hostility on Lewis' part as he claimed he had won the race and so on and they had to go and check the photograph. And there was quite a bit of brouhaha going on at that time and sort
20 of set stage for the Rome 100 meters.

Q. All right. Then you mentioned the Rome 100 meters. There is something called the World Championships which takes place -- is it every -- or is it now scheduled to take place every four years?

A. Yes. The track and field was the last
25

of the sports to introduce it's own world championship. And the first one was held in 1983 in Helsinki. It was very successful and was held once again in '87 in Rome and will be every four-yearly event.

5 Q. All right. And I assume that the world championships in track and field will be sponsored by the international Amateur Athlete Federation?

A. Yes, it is.

10 Q. And does it is more or less follow the Olympic model or is it a different model than the Olympic in terms of national teams and so many from each country and each event?

15 A. It's the same basic format although the entry standards in general are a little bit higher. Not for single athletes, but if you wish to have more than one in any given event, the standard increases.

20 The Olympic basic entry standard is the standard whether you have one competitor or three. And in the world championships you can have one with a similar standard but if you wish to have more than one you have to meet a higher standard. And, of course, it is only track and field. So the numbers of competitors are much less.

25 Q. And so then I guess there's not a Canadian alive who doesn't know that on August 30, 1987,

in Rome, Ben Johnson won the race, set a new world record of 9.83?

A. Yes, that's correct.

5 Q. And Carl Lewis was second at a time of 9.93.

A. Yes, and that equalled the exiting world record.

10 Q. Okay. And I assume then by the -- again by the end of the 1987 track and field season, Johnson is still holding his number one ranking as the 100 meters champion?

A. Yes, that's correct.

15 Q. All right. And then again not wishing at all to give the women short shrift here as I appear to have done, what about Angella's outdoor season. I think you indicated earlier she continued to shine and have an excellent season?

20 A. She had a good season overall. She had an injury which set her back a little bit but she did manage to obtain a fourth ranking in the world. She won the prestigious meet in Zurich. Ben and Angella both won in Zurich that year. It's the only time that athletes from the same group have won the same sprints simultaneously.

25 Q. By this time was she concentrating on

the 100 meters?

A. Yes.

Q. So she came first in Zurich?

A. In 100 meters.

5 Q. In the 100 meters. And by the end of '87 she was ranked number four in the world?

A. Yes.

Q. Among women?

A. Yes.

10 Q. All right. Okay. Your group of athletes by that time that you are coaching, I haven't asked you this all the way along the way, and perhaps I should have, but I think I had asked you what numbers you were at in the early eighties. By the end of 1987, what
15 numbers of athletes are you personally coaching on a regular basis?

A. Well, as the amount of planning required increased with the higher levels of performances of the athletes, the number I directly dealt with was
20 reduced. I was working with approximately 15 people, but at the same time the overall size of the group increased because we now had Marv Nash working with a group, George Van Zeyl working with a group. So, the overall number of athletes actually increased. It was usually above 60.

25 MR. ARMSTRONG: Now, just pausing here,

Mr. Commissioner, just in case you think I may have forgotten that 1988 indeed has come and gone, I am going to cover 1988 at another section of Mr. Francis' evidence as kind of a separate segment leading up to the Olympic games.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: So, that will come later.

BY MR. ARMSTRONG:

Q. Dealing, Mr. Francis, with the 1980s, and these athletes that you have coached, many of whom, indeed probably all of whom we have now named, I understand that a large number of them indeed were full time athletes, that is they were not at school or if they were at school it was only on a part time basis fitted in around their athletic endeavours and they didn't have jobs?

A. Yes, this is correct. Today in sports it's a very -- it's very demanding full time training required and it's very obvious you can't get full time results from part time athletes. We simply had to have the athletes out there for a number of hours a day and for them to have enough recovery to put in the kind of training that would be required to produce world level performances.

Q. And if we take the group of athletes latterly that were performing under your coaching at this elite level, I made a note of the women who were full time athletes, and I just want to see if I have got the complete list. I have got Angella Issajenko, Molly Killingbeck, Cheryl Thibedeau, and Tracy Smith who the latter person came under your tutelage and coaching in the fall of '87?

A. Yes.

Q. And would that be more or less the list of women who were full time athletes?

A. Yes. Well, prior to that of course Julian Richardson in '84, '85 and '86 had been training in Toronto in those settings. And also there were some who were taking minimal university courses such as Marita Payne and Angela Phipps.

THE COMMISSIONER: What is the age limit? What is the age when sprinters become sort of at their prime? What's the top age?

THE WITNESS: It varies dramatically because -- I know it's dramatic, a drum roll, but it depends on when an athlete starts. For example Angella Issajenko was a very late starter, starting at age 18 with no track background at all, and she vaulted into prominence very quickly but it continued to improve for

another seven or eight years. Normally it would take seven or eight years to bring an athlete up to a high level.

THE COMMISSIONER: How long can they stay there? In other words, can you be a sprinter say at age 30?

THE WITNESS: Yes.

THE COMMISSIONER: Thirty-two.

THE WITNESS: Thirty-two is usually considered to be a cut-off point.

THE COMMISSIONER: Sixty.

THE WITNESS: Are you making a come back?

MR. ARMSTRONG: Keep going, keep going.

THE COMMISSIONER: I am going to stop there.

THE WITNESS: It was interesting because --

THE COMMISSIONER: No, I am sure -- 30, you can still be a sprinter at 30.

THE WITNESS: Yes, sir, you could.

THE COMMISSIONER: How old is Edwin Moses now?

THE WITNESS: Oh, he is -- well, let's --

THE COMMISSIONER: I know he is a hurdler, but is he 35 or 36?

THE WITNES: He would be 35.

THE COMMISSIONER: Does anybody know?

THE WITNESS: Thirty-five, I believe.

THE COMMISSIONER: What's the oldest
sprinter that was still active?

5 THE WITNESS: In the 100 meters of this --
you know, there is lots of people who are still active but
of those who were actually winning major meets, Alan Wells
was still running 10.26 seconds at age 36.

THE COMMISSIONER: At age 36?

10 THE WITNESS: It is really quite
spectacular.

BY MR. ARMSTRONG:

Q. He is the British sprinter?

15 A. Yes. On the womens side,
Kratochvilova, the Czechoslovakian, 400 and 800 meter
runner was running well at every distance from 100 to 800
meters.

THE COMMISSIONER: What age?

20 THE WITNESS: Up into her thirties. She
had all her personal bests by age 31.

THE COMMISSIONER: I am just wondering,
though, digressing for a minute because I am somewhat
concerned about people -- these carded athletes who spend
25 all their time as an athlete and then when their athletic

program is finished, they have got no education, no training, nothing else to do. And you can't tie in -- can't tie in an athletic program with at least part time schooling or something so they have something to fall back on?

THE WITNESS: Well --

THE COMMISSIONER: I noticed this in Montreal with weightlifters?

THE WITNESS: Many of them are doing part time courses and so on. Of course at the higher levels of success, they are able to develop investments and so on if they reach a high enough level.

THE COMMISSIONER: Well, that would only be the top few?

THE WITNESS: That would only be a few. Also unfortunately in our system, as Marv Nash once described it as a Dixie cup system, we tend to use our athletes and toss them aside sometimes. We don't have continuing programs where the athletes can follow a sporting line.

THE COMMISSIONER: No, but under the carded system, Sports Canada provides not only a monthly allowance but a scholarship for our carded athletes to take advantage of that?

THE WITNESS: Many can take advantage of

it. On the other hand, many are not students. And, in fact, you know, just as there are in society, there are those who will go on in school and those who will not, the same thing holds true in sports. But no matter how you
5 slice it, the top athletes will take longer to finish their college careers.

THE COMMISSIONER: Yes, I know that.

THE WITNESS: No matter what because of the enormous demands on travel, competition, and training.
10 And they simply can't handled a complete load of school work and training at the levels demanded today.

THE COMMISSIONER: All right. I interrupted you, you were talking -- I was asking about full time athletes as it were. You covered the women, I
15 think you were going into the men now.

BY MR. ARMSTRONG:

Q. Yes, I am going to go into the men, but if I could just pick up that last thought from Mr. Francis for a moment. That is that even those who have the
20 inclination and ability to study say at university, their time is limited and restricted and if we follow through from what we have heard from you this morning, these people are training November, December, they are then on
25 the road January, February at indoor meets, they are then

perhaps down south at warm weather camps in March perhaps
admittedly at the school break time, then they are back
training in May, June in Europe, often, usually your
group?

5

A. Yes.

Q. Then we are into the summer months.

August you are back in Europe. You mentioned that
particularly with Ben Johnson, that Japan was a favourite
stopping point of his, and I guess some of your other
athletes as well or was it only Ben Johnson that would go
to Japan?

10

A. I think that was primarily Ben's

territory. I remember having a conversation with him on
the plane last year. And he said to me how many times
have you been to Japan. I said this will be my third time
since 1969. And he said, I have been here 29 times in the
last two years. And I said come on now, get serious. And
he says no, I will show you the stubs, I have been here --
so that gives you some idea of how many times -- in fact,
he had been there three times in the seven-week period.

15

20

Q. Three times in a what?

A. In a seven-week period.

Q. In a seven-week period. And indeed

until all of us got on the Ben Johnson band wagon on
August the 30 or 31, 1987, Ben Johnson I guess was a

25

household name in Japan much more so than in Canada?

A. Absolutely, there was no comparison with his level of public awareness in Europe and Asia versus Canada or the United States especially.

5 Q. Now, just again however picking up this thought of a full time athlete if you do take the year, track and field isn't much different now than any other sport in that sports used to have their traditional seasons, a certain segment of the year, track and field
10 really although it has an indoor and outdoor season they kind of run into each other. Is that not so?

A. Well, the training periods go almost all the way through. You really only have a very short time off. Actually the Canadian university system does
15 actually co-exists fairly well with the track and field season as it -- because of the actual school year. But the problem is whether or not the athletes have enough energy to excell in the school courses they are taking and still put in the kind of hours --

20 THE COMMISSIONER: You went to the university and became an Olympic athlete yourself without full time; is that right?

THE WITNESS: Well, first of all, I didn't have much of an international program. Our program in my
25 day was how many seats on and 707 and you selected an

Olympic team.

THE COMMISSIONER: Was that your schooling?

THE WITNESS: Well, there were no
international competitions. I went to -- in, for
5 example, in the Olympic year of 1972, my last
international competition was in May and the Olympics were
September 1st, and I did not face an international
competitor between the two periods. It was absolutely a
waste of time. So, you had nothing better to do than to
10 go to school. You certainly didn't have any competitions
available.

THE COMMISSIONER: All right.

BY MR. ARMSTRONG:

15 Q. All right. Then coming back, Mr.
Francis, to the men of your group who were full time
athletes, I just want to give you this list and you can
add or subtract to it if you will. Desai Williams, Tony
Sharpe, Ben Johnson, Mike Sokolowski, Dave McKnight, and
20 Mark McCoy?

A. Yes.

Q. Is that more or less a complete list?

THE COMMISSIONER: And Ben Johnson, did you
name him?

25

BY MR. ARMSTRONG:

Q. I mentioned Ben John?

A. Yes.

Q. All right. Now, what was or is
5 involved in a typical training day for these athletes?
Just to give us a sense of that and a snapshot of it as it
were. If, you know, take Desai Williams or Mark McCoy or
Angella Issajenko. Let's take Angella Issajenko. What
would a training day involve for her typically?

10 A. In a typical training camp setting, for
example you get up 7:30, have a light breakfast, by 8:30
you would be on the track.

You train for 8:30 until 10 with fairly
light exercises in the morning session, go back and then
15 you would have a few minutes to relax, and then go out and
have a brunch or lunch if you like.

Then you would be back on the track from 2
o'clock to 5 o'clock doing speed work or tempo as the case
may be.

20 Q. Just let me stop you there. This is
the first time we have heard tempo and I suspect from you
we are going here that word a lot. What does tempo
mean?

A. It just means controlled runs usually
25 about 75 percent of their best time or slower. Anyway --

Q. Does speed work involving going at your fastest?

A. Close to or maximum. So 95 percent of your best possible time or faster. When you have speed sessions, you need very long rest periods in between the intervals. The intervals actually may be as long as 20 minutes or even longer, 20 to 30 minutes between repetitions, so they can be completely recovered. Tempo runs might only be a 100 meter walk or a 200 meter walk for a rest.

Q. When you do speed work for example, and you are Angella Issajenko, and you are training to compete in the 100 meters, what are you saying, she runs a 100 meters and then rests for 20 minutes?

A. Usually a longer distance perhaps 200 meters.

Q. All right.

A. 150 meters at a very high rate of speed, full recovery, repetition.

Q. I see. Okay. I am sorry interrupted you. We have got her getting up at 7:30. We have got her practicing from 8:30 until 10 or thereabouts. And then a brunch from 10:30 to 11:30 or thereabouts. Then what happens?

A. About 2 o'clock she would be back on

the track for the running portion of the workout, a good stretch from 2:00 to 5:00. Then she would go to the weight room, lift weights between five and six. Then would go back to the hotel, for example, and have dinner.

5 By 8 o'clock, she might have a course of muscle stimulation treatment, which would last about an hour. Then she would have massage treatment which would take about 45 minutes. And then she would go to bed.

Q. All right.

10 A. It's a very full day as you can see.

Q. So, she is up at 7:30, has her light breakfast and is on the track at 8:30 and is really involved in the training program from 8:30 in the morning until she gets her massage from 9:30 to 10:30 at night --

15 A. Yes.

Q. -- is what you are saying to us now. What Angella Issajenko if she is not down at Tallahassee or one of these training camps and she is living at home and going up to the site at York University, the sprint center. What kind of day would call upon her time?

20 A. Her training at home would be very different. She would have one major running session. It's impossible for her to travel all the way up to York University and back, because she doesn't have a car.

25 So she would leave the house at about 2

it without.

Additionally they are able to strengthen the whole body to handle running. So every exercise you do, involves your general -- the general organism. So for
5 example weights involving the upper bodies also strengthen your legs and your abdomen and all the other parts. So it's a great cross-over effect from weight training.

Q. I take it then that speed is not then the only element that one requires to thunder down the
10 track at 9.79 seconds, that strength is also a very important element?

A. Well, strength can be defined in many ways. The power of output of a sprinter is determined by you know how many pounds he can push, how quickly, you
15 know, for how many feet and so on. So, it is very important.

It's also your strength is very much determined by how strong you are versus what you actually weigh. There are a lot of people in this room that think
20 Ben is a giant or something, but in actual fact he only weighs 173 pounds. But his strength compared to his light weight is very considerable.

Q. All right. Then can you tell me without wishing to embarrass either you or any of your
25 athletes, but I think it is important. During the period

of the late seventies early eighties -- mid eighties even,
before Ben Johnson takes off as an international
superstar, before Angella Issajenko becomes known as a
prominent international athlete and so on, and forgive me
5 you will probably say they were known that much earlier
than I would say, but what I want to ask you is what were
their personal economic circumstances and what were the
personal income circumstances of this group of athletes
that you coached during the period of the eighties?

10

15

20

25

A. Well, certainly we weren't dealing with swimmers or tennis players here. They were not from the wealthier segment of society, and obviously they had to make a lot of sacrifices to participate, they didn't have
5 a lot of money to do it with and their parents did not have the funding to indulge them in their pursuits.

Q. And I -- I don't know whether it is a matter of record or not, but many of the parents of these kids made quite significant personal sacrifices themselves
10 to ensure that these kids, as I would call them, achieved their full potential, is that not so?

A. Yes, that's correct. At the time that I remember in 1979, the first time that Ben was able to get on the European team, his mother phoned me. She is a
15 very nice lady. She obviously had six kids to look after. Two of them were running with me. Fortunately, one was able to get a scholarship, Eddy, so she didn't have to look after him so much, but she still had a great deal of work to do to look after all these kids.

20 She phoned me to say she had taken a second job to work at night so that Ben wouldn't have to --

THE COMMISSIONER: Sorry, I didn't hear what you said.

THE WITNESS: She phoned me to tell me she
25 had taken a second job working nights in order to make

sure that Ben wouldn't have to work after school so he could pursue his dreams of success at track. She believed he had the ability to be the best and wanted to give him a chance that a lot of other kids didn't have.

5

Q. That was, indeed, the year that you and Gerard Mach got together and decided that, even though Ben didn't qualify to go with the national team to Europe, somehow you were going to find some money to pay 50 per cent, or defray it, as it were, and the CTFA would pay the other 50 per cent, is that right?

10

A. Yes, that's correct.

Q. Indeed, did Mrs. Johnson not call you and tell you that she had an extra hundred dollars that she wanted to contribute to make sure Ben got to Europe?

15

A. Yes, yes, she did so.

Q. Then let's take another example, of Angella Issajenko. She was another person who had a mother who took an interest in her and wanted to help her career, is that not so?

20

A. Yes, but of course, you know, they also were not in a good economic situation. When Angella was first running track she used to have to work after school. She would go to high school and work after school in a nursing home.

25

Q. Angella would herself?

A. Yes, and then come to the track.

Obviously, it was very difficult for her. But after the first year -- I remember when she first came to the track, she had pair of old Adidas tightened spikes. She used to
5 unscrew the spikes, jog around and they would be her flats. Then she'd screw the spikes and run the races in them. But fortunately Adidas was prepared to give her equipment right away. They gave her a sweatsuit and so on, so she had the equipment she needed. But these kids
10 didn't have the kind of money to go running out and buy all the latest equipment.

Q. Now, again, not wishing to embarrass you, but I think it's important that we get the full picture here; as I understand it, some of these kids who
15 were from out of town and trained under you would even come and live in your apartment?

A. Yes, at times.

Q. And again I regard it as the job of Commission Counsel to bring out all of the evidence. I
20 have pried out a little bit of your own personal contribution on some of these major trips and so on, but it wasn't unheard of, I'm told, that if these kids found themselves in a spot that they needed a few bucks to buy the groceries at Loblaws or whatever, Coach Francis would
25 often help them meet the food bill, is that so?

A. Yes, that's true. A lot of times it was very difficult to find out from the athletes what they needed. I remember the boyfriend of one of the girls told me that she and her roommate had been eating Fruit Loops for dinner, so that obviously had to stop. So I went out and got some groceries, stocked the food a little bit. Obviously it was difficult for some of them to make ends meet as the months went by.

Obviously the help from Sport Canada was greatly appreciated and everybody understands that it's not meant to cover all the expenses. But one should not live under the illusion that \$650 or \$550 or \$450, which most of them have per month, is enough. It's enough to pay the rent or it's enough to eat, but you can't do both. So obviously they either needed help from me or they needed help from their families or they needed help from other sponsors to make ends meet.

Q. You'll forgive me if I say that in 1989 I don't know how you pay the rent in Toronto on \$450 a month, but --

A. If you have friends living with you, perhaps, but --

Q. All right. There is another incident just illustrative of this involving Ben Johnson and his brother that I think would be helpful, again to paint the

picture of what the relationship was between you and your athletes, and that is when you were travelling to some meet in Montreal. You were heading down the 401 and stopped for dinner. Would you just tell us about that incident?

5 A. Well, I just was looking around. In our club structure, the club in general was responsible to pay the hotel bills and the travel expenses and so on and the kids were supposed to pay for the meals and so on. I 10 remember in this case looking around. Eddy and Ben were being very slow in ordering their food, and when they finally got around to it they ordered a plate of fries between them. Eddy was in charge of the finances so I sort of cornered him afterwards and asked him, "How are 15 you fixed?" He really only had \$6 to take care of the two of them for three days.

I think it should be understood that they are not alone. Most of the kids had a very difficult time. It's one thing to live at home and have everything 20 looked after. It's another for the parents to come up with this extra money for kids to travel around, away from the house. It's very, very difficult.

Q. All right, then, you told us this morning, Mr. Francis, about the negotiation of an Adidas 25 contract for some of your athletes, for Angella Issajenko

and others. How long did that contract last?

A. Well, they continued with their sponsorship through the '84 Olympics. After that, basically the contracts were dropped.

5 Q. All right. Now, did you undertake any other efforts to try to get other what I call "endorsement contracts", I don't know if that's the proper description, but other commercial contracts for your group in the eighties?

10 A. Yes. I recognized from very early on that it was going to be essential that we get the kind of financial support for the athletes that would enable them to be full-time athletes and, of course, for their own well-being and, you know, do they eat properly and get to
15 the competitions and so on. So I would say that I spent about 50 per cent of my time, as I would call it "scrounging" for contracts or support of any sort, and 50 per cent of my time coaching.

20 Q. And involved in that there was a contract for Angella Issajenko from a heel pad company, is that right?

A. Yes, called Tulley's Heel Pads. Actually, Angella Issajenko's father discovered this fellow. We had a lawyer helping us at the time, Frank
25 Roth, who negotiated a small amount for her that would

help her on a monthly basis, which continued until unfortunately the president of the company died of a heart attack.

5 Q. Then there was a contract that you arranged, I don't know whether it was for Angella Issajenko or the whole group, but a company called BMR Corporation?

10 A. Yes, they were manufacturers of muscle stimulating equipment. I convinced them to -- they manufactured cosmetic units for the cosmetic industry. You see them advertised widely today.

15 I knew that they would be very useful for training but I couldn't afford them, so I talked them into producing a line of muscle stimulators that could be used for athletics, which were called Power-Stim. I had them design these units, and they provided me with 12 of these units, which were worth about \$1,000 apiece, and other support over the years.

20 Q. I'm not going to leave this area of -- well, I will just ask you one more question and I want to come back to the muscle stimulator contract. Another contract, I believe, that you organized -- again, I don't know whether it was before Ben took off, as it were, or after -- but on behalf of Ben Johnson in respect of Timex, 25 is that right?

5 A. Yes, well, Frank Roth, who was the lawyer, lined up a contract with Timex when they picked up several athletes in different sports. It was very useful because it was at the beginning of the Olympics when most sponsors were pulling out, so it was very helpful for Ben at that time.

10 Q. All right, now, you mentioned that you designed or helped design a muscle stimulator for your athletes for the BMR Corporation. Do I understand that, in addition to coaching these athletes, in addition to, in effect, being a bit of a financial manager, commercial manager, one of the other things that you would yourself be involved in from time to time was you would actually do massages, for example, on your athletes, is that not so?

15 A. Yes.

 THE COMMISSIONER: Do what? I didn't hear the question. Do what?

 MR. ARMSTRONG: In effect, Mr. Francis was a masseur.

20 THE COMMISSIONER: I see.

 BY MR. ARMSTRONG:

25 Q. If I might take a moment to just ask you, what is the significance, for a sprinter or an athlete, of massage? Most of us think of it as kind of a

luxury that from time to time we afford ourselves, but I take it from listening to your evidence that it was something really quite significant from an athletic point of view?

5

A. These athletes today are trying to get out such a high level of performance that they really need this kind of support. It is very similar to a Ferrari. Obviously, you tune up a Ferrari a little more often than a Chevrolet Jeep or something. You need to make sure that their muscles are well looked after.

10

Massage can remove fatigue products from the athletes after training and enable them to come back much sooner after hard workouts and so on. It is believed that they can help their overall capacity to work by as much as 10 to 30 per cent.

15

Q. And you must have developed some expertise or experience in doing massages. That's why you did them, I guess, is it?

A. Yes.

20

Q. I assume you did it out of necessity because there weren't other --

A. Because I was the only one, at first, so naturally it was either going to be done by me or it wasn't going to be done.

25

Q. All right. Then I wanted to ask you

about when a gentleman by the name of Larry Heidebrecht entered the scene. Up until now we have heard of your efforts in looking after your group of athletes from a commercial point of view. We know that at some point in
5 time Mr. Heidebrecht became the agent of Mr. Ben Johnson and others. Can you tell me how that came about, please?

A. Well, I think we have to go back a little bit. I was acutely aware of the necessity of finding an agent for the athletes because, for example,
10 some years back Angella Issajenko had been performing at a very high level and yet was not getting endorsements or support, you know, commensurate with her rankings in the world. So we tried to find an agent for her.

We tried many of the Toronto agents, who
15 will remain nameless; they were not interested in amateur athletes for the simple reason that they don't have the big signing bonus. You can't sign an athlete to a contract like you would in the CFL or the NHL or whatever and then take your commission on the basis of the big
20 signing. So any money coming to an agent of an amateur athlete would come much more difficult -- with much more difficulty. So we couldn't get the traditional agents of professional athletes to be interested in amateurs.

25 Likewise, over a period of time before the

emergence of Ben Johnson we now had a situation where Mark McCoy and Tony Sharp had left the group and were now running all over Europe with a fellow called Tom Jennings from the Pacific Coast Club. And Tom was obviously better at negotiating deals with European --

THE COURT: Where was Jennings from?

THE WITNESS: It was called the Pacific Coast Club, but I believe he lives in Connecticut, which is a little far from the beach. Anyway, he once lived in California.

THE COMMISSIONER: Was he an agent, though?

THE WITNESS: Basically he was running a club that was for high level athletes. Debbie Brill was a member, so some Canadians had been involved with him, and Milt Ottey, Desai Williams and Mark McCoy went there.

BY MR. ARMSTRONG:

Q. Let me just stop you there before you go on about Jennings and what you were going to say. Although you say he was running a club, really what he was doing was acting as agent for these athletes, arranging their various appearances at various meets?

A. Yes.

Q. I mean, he was not coaching them, for example?

A. Yes.

Q. And the Pacific Coast Club wasn't providing any athletic facility for these people; it was a straight agency representation arrangement?

5 A. I would like to explain -- I don't usually like to go into financial details, but in the case of Ben Johnson, it was extremely difficult for him, even after being the Olympic bronze medallist, to get reasonable treatment on the European circuit simply because he just didn't have the leverage or the access to
10 the amounts being paid to the others, or a large enough group, really, to enforce the proper payment. So when Ben won the Grand Prix races, or the biggest race in the circuit, he got an appearance fee of \$800.

15 Q. When was that?

A. In 1985.

Q. Yes?

A. After the Olympic medal, when Lewis, who was fourth in that race, got \$25,000. So obviously we
20 needed help. I approached -- or at least through the athletes we approached Tom Jennings and he turned down Ben and Tony Sharp. So at my first opportunity I asked him why, and he said, "Well, it's because they have a coach." I said, "Well, do you have something against me or do you
25 have a problem?" He said, "No, I like you personally, but

the problem is what's the first thing you're going to do if the athlete is sore or if his performance is sub-par?" "Well", I said, "I'll pull him out of the competition." He said, "Exactly; I can't have that. If I sign an athlete in the meet, you know, they have to guarantee they're going to be there no matter what, and I just can't have this kind of interference. The athletes who are with me are basically running on their own and don't have coaches telling them what to do," so fine.

10 Q. So that was Tom Jennings. He wasn't going to be of any help to you?

A. It was unacceptable to have it any other way because Ben and the other athletes were aiming at high level performance, so they had to follow an organized plan. And if they were sore, they would simply have to withdraw from the competition and not compete, you know, regardless of the consequences.

Q. All right.

A. So then I was approached in the fall of '85. After the World Cup, Larry Heidebrecht had left IMG --

Q. I guess most of us have heard of IMG but you'd better tell us what is IMG.

A. IMG is a very large sports management firm called International Management Group. Mark

25

McCormick, who is the head, is very well known with his work with golfers and so on, tennis tournaments.

Q. It was centered in Cleveland, Ohio?

5 A. Yes. Larry had left this group and what had happened was he had an agreement, a separation agreement with IMG not to deal with any of the people who had been involved with IMG for a period of two years. So when he came to me, this gave me a very strong advantage with him, because he had nowhere, really, to go.

10 He was prepared to take all, you know, our top athletes, who at that time were again Ben and Angella and Tony Sharp, and work with them, and we could be guaranteed that he would spend a lot of attention on those athletes because he wouldn't have another superstar off in
15 the wings.

Q. Because of his separation or non-competition agreement with IMG he was shut out from dealing with most of the others, I take it?

20 A. Sure. You don't want to get an agent involved who in fact has so many stars that he's not going to bother negotiating a contract for people who don't have as much when he can get a supercontract with Wayne Gretzky or someone. So it seemed like we had the best of both worlds.

25 THE COMMISSIONER: What year was it, then,

that Larry Heidebrecht became the agent?

THE WITNESS: That would have been October of 1985.

5

BY MR. ARMSTRONG:

Q. Now, when Heidebrecht was at IMG, did he have any experience with negotiating endorsements and meet attendances and so on on behalf of track and field athletes?

10

A. Yes, a great number of them. In fact, we found out by the grapevine that he had done a very good job for an acquaintance of ours named Bert Cameron.

15

The Canadian Track and Field Association had entered Ben Johnson and Desai Williams in a competition in Korea in the fall of 1984. They were paid \$250 apiece to run there. They ran very well and won their races. Bert Cameron ran forty-six seven in the 400 meters, which is quite a slow performance, and he got \$4,000 for it. When this got back to Ben and Desai, they weren't too impressed. Obviously it made a difference to have the right kind of person doing the talking.

20

Q. All right. Did Heidebrecht come to you or did you go to Heidebrecht?

25

A. I met him once in Europe. I met him in Berlin, actually. I had just spoken to him briefly. I

didn't really know much about him, but he asked if he could come up and present his case once he knew how good Ben was going to be after the World Cup in Canberra.

5 Q. Right, so was some arrangement then entered into with Heidebrecht on behalf of Ben Johnson, Tony Sharp and Angella Issajenko?

A. Yes, they all signed with him at that time.

10 Q. What about McCoy and Desai Williams?

A. At that time they hadn't come back.

Q. Oh, they hadn't, that's right. They were running for the Pacific Coast Club, I guess?

A. Yes.

15 Q. Or under the banner of the Pacific Coast Club?

A. Yes.

Q. Again, I think you told us that McCoy and Desai Williams decided to coach themselves in the fall -- was it the fall of 1983?

20 A. Fall of '84, or fall of '83 into the '84 season.

Q. Right, okay. So there was some arrangement, Mr. Francis, with Mazda, the automobile company, and what was that? Did Heidebrecht bring Mazda
25 into the picture?

5 A. Well, not exactly. What happened there, Heidebrecht had worked with Mazda when he was with IMG. What happened was the Mazda Motor Car Corporation from Japan hired IMG, actually through an intermediary called Daiko, which is an ad agency in Japan.

10 They hired IMG to look after assembling a group of top athletes all over the world, so it would not be a track club as we know it with coaches and so on. It simply was a process by which they would sign top athletes all over the world. So in actual fact the first athlete of my acquaintance signed with them by Larry was Charmaine Crooks.

15 Larry at one time was a coach at El Paso, Texas, so he knew Charmaine from school. So when this opportunity came up he signed her to a contract, which became funny later, because when he came with the rest of our club he could deal with everyone within our club except Charmaine Crooks for a period of two years after that.

20 Q. Because she was part of a non-competition arrangement on his separation from IMG?

 A. Right, so even though she was in the rest of our club, she could not have anything to do with Larry for that period of time.

25 Q. All right.

A. Subsequent to that I had a direct dealing with IMG on an offer for Ben and he signed a contract, without Larry being involved, with the Mazda Track Club prior to Larry coming on board.

5

Q. How did that work, then? How did Heidebrecht end up becoming Johnson's agent if he had signed a deal with IMG?

A. He didn't have anything to do with it.

10

Q. I see, well, did IMG just do a one-shot deal on behalf of Ben Johnson with Mazda?

15

A. Yes, but there would be no conflict because they weren't acting as his agent. They were simply signing him to an agreement with Mazda. They weren't acting for him in any way. They were simply the agents for Mazda, not for Ben.

Q. How many of your athletes, then, signed up under the Mazda banner?

A. Initially only Ben.

Q. When was that?

20

A. That was in the fall of 1985.

Q. Yes, fall of 1985?

THE COMMISSIONER: Sorry, fall of--

THE WITNESS: Fall of 1985.

THE COMMISSIONER: Thank you.

25

BY MR. ARMSTRONG:

Q. All right, and without going into the financial details of it, because I don't think you are necessarily the appropriate witness to get into whatever
5 the financial arrangements were, what were the non-financial arrangements, in any event? I assume he got a sum of money or sums of money and he had to then do certain things in return for that, and what were they?

A. In return for payment he then wore the
10 Mazda logo on his uniform.

Q. Yes, and did he have to do anything else? Did he have to make personal appearances or anything?

A. They had the option to call personal
15 appearances but they seldom were used. But the main exposure, they call it logo exposure, would be the times it appears in newspapers, on television, whatever, at the major competitions. So he was obliged to run in at least ten competitions a year in uniform, I believe.

Q. And then, after 1985 and after Ben
20 Johnson, did some of your other athletes become associated with the Mazda logo?

A. Yes. What happened was that I phoned
the lady from Mazda and asked if it would be possible to
25 have a sponsorship from the Mazda car corporation to

Canada. And she said that one of the conditions of their getting this project was they weren't going to be able to go and harass all the dealerships all over the world and ask for more money. So they just simply weren't allowed to contact the basic companies.

About a week later she phoned me back and said, you know, quite amazingly they phoned her and asked how they could get involved. So she then had the opportunity to bring this forward.

So from that point forward a system was worked out where the dealer, main dealer network here in Canada, would contribute to some and the IMG portion of the budget would cover the rest. So the bigger athletes such as Ben, Angella Issajenko, Desai Williams, Mark McCoy and so on, would be paid primarily out of the international budget and the smaller athletes who didn't have as much exposure would be funded under the Canadian budget.

Q. Without testing your already demonstrated excellent memory, approximately how many of your group then became associated under the Mazda logo?

A. Well, basically all of them because we then changed -- we came to an arrangement with the Canadian Track and Field Association for corporate sponsorship where they paid a fee. I believe in the first

year it was \$1,000 and the second year \$5,000, so that they could in fact be dealing with a corporate sponsor and they would be incorporated within the country. So it became the Mazda Optimists Track and Field Club.

5 THE COMMISSIONER: So that would be by what year, 1985?

THE WITNESS: By '86.

THE COMMISSIONER: That's when it became the Mazda Club?

10 THE WITNESS: Yes. No, actually it would be '87. It would be the end of '86 going into the '87 season that it was completed.

BY MR. ARMSTRONG:

15 Q. Okay, and the club up to this point in time had been the Scarborough Optimists Track and Field Club, and I think the name was later changed for some legal reason to the Scarborough Optimists Sport Association?

20 A. Actually, the York University Optimists. They tried to amalgamate the two clubs. The the CTFA thought that the best of all worlds would be that if the university, with all its facilities and research and so on, could help out with the resources that our
25 track club already had. So they were anxious that they

amalgamate.

But it didn't work out well at all because the university just simply wasn't a participating member. They put forward no money, no support, no coaches and no
5 athletes, yet were telling us how to run the club. We weren't too appreciative of that contribution so we dropped out of it, especially when someone else was prepared to put their name in there for a substantial contribution.

10 Q. What about Ross Earl, then? When you became the Mazda Optimists Track and Field Club, where did he and the Scarborough Optimists Club fit into the picture, if they did?

A. Well, always the funding arm of the
15 Scarborough Optimists Track Club was the Scarborough Optimists Sports Association, which funds both track and volleyball.

Q. I see.

A. So everything remained the same. He
20 took less interest around about that time in the actual club, but he did attempt to raise money to help, as he always had.

Q. And continued to be involved in an unofficial way, then?

25 A. Yes.

Q. But still was as strongly supportive as ever?

A. Yes.

Q. And we'll probably hear from Ross Earl, but did he continue throughout this period to have a close relationship with your athletes?

A. Yes, always.

Q. In particular, did he have a close relationship with Ben Johnson?

A. Yes.

Q. And did he from time to time provide advice to Ben Johnson on his own personal and financial affairs?

A. Yes, he did.

Q. And indeed, from time to time, to your knowledge, did Ross Earl not -- Ross Earl looked after some of his finances and some of his money?

A. Yes, and also for other athletes in the club as well.

Q. All right, then --

THE COMMISSIONER: Well, I've lost track of this. Was Ross Earl part of the Mazda Optimists Club?

THE WITNESS: Well, in fact he was a contributing member because -- I guess the best way to explain it --

THE COMMISSIONER: There was still the Scarborough Optimists Club out there, as well?

THE WITNESS: Not really, no. There was the Scarborough Optimists Sports Association, which was the funding arm. A simple way to look at it would be that the Scarborough Optimists Sports Association provided money to send the athletes to competitions, to take care of hotels and meals and travel.

THE COMMISSIONER: Even in 1987, after the Mazda sponsorships?

THE WITNESS: Yes. The actual Mazda sponsorships, with the exception of a thousand dollars for expenses, went directly to the athletes' trust funds in individuals contracts payable to individual athletes.

THE COMMISSIONER: I see.

THE WITNESS: There was no payment outside of that, but they each had an individual contract with the amount specified and so on, and of course the details are with the Canadian Track and Field Association.

BY MR. ARMSTRONG:

Q. And those would be those three-party contracts that we have already heard about in which the athlete, the corporate sponsor -- Mazda, in this case -- and the CTFA were signatories to the contract?

A. Yes, and I believe probably the basic idea, from the CTFA's point of view of the fee, was to help them pay for the legal costs of arranging these contracts, I'm sure higher than what they got.

5 Q. So then again, just doing what the Commissioner has said lawyers shouldn't do, repeating it, but just to underscore it, the Mazda arrangement, whatever the money was, apart from this one thousand dollars that you mentioned --

10 THE COMMISSIONER: Went directly to the athletes?

THE WITNESS: Would be paid to the athletes, yes.

15 BY MR. ARMSTRONG:

Q. Right, okay. Now, back to Larry Heidebrecht. I'm sorry, because I had in fact misunderstood his role. I had for some reason thought that he had been directly involved in the Mazda matter and he apparently wasn't. But when he came on board, you've told us how it arose, you told us you were looking for somebody to help out.

20

You had approached Tom Jennings and he wasn't available for the reasons you said, and then you had this discussion with Heidebrecht and he came on

25

initially as the agent of Angella Issajenko, Ben Johnson and Tony Sharp. What was it that Heidebrecht did for these three athletes?

5 A. Basically -- some of the basic things that he would normally do were already done. For example, Angella had a small shoe contract already with New Balance for the first year, well, in 1986, and Ben had a contract by the end of 1985 with Adidas, which also Larry was not involved in, and of course the Mazda contract.

10 But of course that left the field of entering the competition, arranging meet payments and so on, and he was very good at doing that. He knew, because of his previous contacts, what was an acceptable amount in each of the competitions for athletes of this level.

15 And we also took the strategy of staying away, basically, from the Grand Prix circuit, our assumption being that many people would enter the Grand Prix circuit and could be forced to accept smaller appearance fees for the pig in a poke at the end of the
20 rainbow. If they could win all the competitions they could win a prize at the end, so by avoiding that, in fact you could increase the amount you got in each individual meet, which would more than compensate for any loss in winning second or third in the Grand Prix circuit.

25 Additionally, this fit better with our

basic training scheme, which was to compete in June and August, when several of the Grand Prix competitions were held in July, which was the training period.

5 Q. There is a Grand Prix circuit outdoors;
there is also a Grand Prix circuit indoors?

A. Yes.

10 Q. I take it you didn't avoid the Grand
Prix circuit indoors, because all the Canadian meets you
mentioned, I think, were on the Grand Prix circuit, were
they not?

A. Well, it wasn't a real consideration.
Ben won it one year and was shocked to find out what the
grand prize was. It was insignificant.

15 THE COMMISSIONER: Let us in on the secret.
What was it?

THE WITNESS: I think it was around \$2,000
or something. It was really not very substantial in that
first year. It may have increased, I don't know.

20 THE COMMISSIONER: Well, when you were
acting as both the coach and trainer, were you -- agents
get a certain commission of the deal, don't they?

THE WITNESS: Yes.

25 THE COMMISSIONER: Did you do that, too?
You were advisory until Larry Heidebrecht came into it.
Were you working on the same basis?

THE WITNESS: No, no, it would be kind of pointless to take a fee from them and give it back to them the next time they needed a meal.

THE COMMISSIONER: So when Heidebrecht came
5 into it they really paid what you might call professional agent's charges for his services. You were dabbling in all these capacities on your own?

THE WITNESS: Yes.

THE COMMISSIONER: Being paid by -- by the
10 time you came to York, was that full-time then, no longer by the Ontario Government as well? One time you told us the first time you were paid it was shared by the Ontario Government.

THE WITNESS: No, they contributed
15 throughout, but later the Canadian Track and Field Association was able to put in additional funding to go hire another coach and to help with a full-time physiotherapist. So they contributed the lion's share of all the money spent right to the end. They had a
20 full-time salary for the physiotherapist and a full-time salary for another coach.

THE COMMISSIONER: That's the center at
York?

THE WITNESS: Yes, so \$26,000, I believe,
25 was coming from -- the initial amount was \$27,000 from

Ontario and \$27,000 from Sport Canada.

THE COMMISSIONER: That's for whom?

THE WITNESS: Well, to be put together to create the whole centre, out of which I would have a salary, which initially was \$25,000, and then the other money would be for expenses, out of which I hired a physiotherapist, which was the main expense.

BY MR. ARMSTRONG:

Q. So initially \$54,000, out of which you got a salary of \$25,000, the remainder to be used for expenses on a physiotherapist?

A. Yes, but later, of course, the expense money went down as the salaries changed. We hired a physiotherapist and an assistant coach, so we had another \$54,000 in salaries paid by the Canadian Track and Field Association and then some money for phone bills and miscellaneous expenses after that, and my salary.

Q. Now, going back, Mr. Francis, to what Heidebrecht did, I have got the picture here that he was skilled at negotiating contracts with meet promoters because he knew what the going rates were, presumably knew the meet promoters and so on, you mentioned that. Now, the New Balance contract that Angella had, was that something you negotiated or he negotiated?

A. She actually had the contact with them.
I don't believe he was involved in that one.

Q. All right, and then apart from the
Diadora contract that Ben Johnson had, did Larry
5 Heidebrecht perform any other service other than arranging
for meet attendances and so on?

A. Well, Ben has many, many contracts
arranged through a whole network of contacts, in Canada,
the United States, Japan, Europe -- especially Japan,
10 which was a very lucrative market.

THE COMMISSIONER: What years are we
speaking of now?

THE WITNESS: Now we're talking after Rome,
primarily.

15 THE COMMISSIONER: After '87, June of '87?

THE WITNESS: Yes, but even before that he
was negotiating a different -- I don't know really what he
was working on, but obviously he was working on a lot of
different things. You have to try 10, 20, 30 companies
20 for everything that actually comes through. I know from
my own experience that not every door you knock on opens
for you.

BY MR. ARMSTRONG:

25 Q. All right, and in any event I'm not

here going to go into the details of the Diadora contract because again I don't think that you are the appropriate witness in regard to that, but from what you knew of the Diadora contract, was it your opinion that it was a good contract for Mr. Ben Johnson?

A. To my knowledge it was double the size of the next largest contract ever signed by a track and field athlete.

Q. I take it, then, that you must have felt somewhat satisfied that you had made a reasonable choice in bringing Mr. Heidebrecht into this area of work. First of all it relieved you of some of your responsibilities and let you coach, and secondly he appeared, I assume, to be doing a fairly good job. Is that right?

A. Yes, and he also was prepared to take some of the heat, which unfortunately I would generate for him. For example, in 1985 I had to pull Ben out of some meets. He wasn't there then, but I know how much the meet promoters were squawking at me; he performed poorly and I took him home to rest up for later. Likewise, in 1986, after Zurich. He had run a fantastic performance there, he was tired and felt he needed a break and he pulled out of Berlin and Cologne. Of course, they were ready to strangle Larry. I left him holding the bag, but I felt it

necessary.

Q. All right.

A. Additionally, he was prepared to enter lower level athletes, whose actual commission on their appearance fees wouldn't pay for his phone bills, which was important to me because they needed the competitions.

Q. I take it you probably would have -- would you have had the same experience in 1988 -- and I'm doing what I said I wouldn't do, but just touching on 1988, we know that Mr. Ben Johnson was injured with a hamstring injury February 1st and later in May in Tokyo?

A. Yes.

Q. And he must have missed a number of meets between Tokyo in May and the nationals in Ottawa in early August, is that so?

A. Yes, we had a whole series of competitions that had been negotiated in the winter in Italy and Spain and also in Switzerland.

Q. Again, I take it Heidebrecht would have taken the heat for the fact that you weren't able to produce Ben Johnson for those meets?

A. Yes. However, I was able to keep all the other athletes in at their previously negotiated appearance fees and he was able to hold the European tour together without anyone losing any money, which I felt was

quite an accomplishment.

Q. Okay. I don't want to leave Larry Heidebrecht and Ben Johnson without asking you one thing. I understand -- and again, perhaps, I'm leaping ahead to 1988, I don't know -- but you indeed received a sum of money from Larry Heidebrecht which he gave you from part of his agency fee, is that not so?

A. In the 1988 season, yes.

Q. And approximately how much was that?

A. Approximately \$20,000.

Q. Is that U.S.?

A. U.S.

Q. And was Ben Johnson aware of the fact that you got \$20,000 U.S. from Larry Heidebrecht?

A. Yes, he was. In the fall we had a discussion with him. As you may know --

THE COMMISSIONER: When was this, Mr. Francis? Are we in 1988 now?

THE WITNESS: In the fall of 1987 there was a discussion with Ben about his renewal contract with Larry and so on. Ben knew that he was going to be of considerable value in the '88 year, that was obvious, and he wanted his commission rate negotiated downwards.

THE COMMISSIONER: Ben wanted Larry's rate negotiated downwards?

THE WITNESS: Yes. The standard rate was 10 per cent for raising income and 20 per cent for non-raising related deals.

5 THE COMMISSIONER: I'm sorry, I don't follow that. I never had an agent.

THE WITNESS: Maybe you will after this. Sorry.

THE COMMISSIONER: We will let that pass. Ten and twenty; you said ten and twenty?

10 THE WITNESS: Well, the scales of commissions in Europe were 10 to 15 per cent for raising income, that would be standard for entering people into races, but it is obviously more complex to get corporation deals and they pay a higher commission.

15 THE COMMISSIONER: I see.

THE WITNESS: So what they call non-raising income, which might be a shoe contract or might be an endorsement from a corporation, they would pay a commission rate in the industry standard between 20 and 25
20 per cent. Larry's initial rates were 10 per cent and 20 per cent. And after Ben asked him to renegotiate downwards, obviously he wasn't going to argue too much.

THE COMMISSIONER: Well, you say Mr. Johnson wanted it reduced in the fall of 1987?

25 THE WITNESS: Yes.

THE COMMISSIONER: All right.

THE WITNESS: So he agreed to 10 per cent raising income and 17.5 per cent for the --

THE COMMISSIONER: For negotiating deals?

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THE WITNESS: For non-raising deals, and out of that he would attempt to pay me.

THE COMMISSIONER: That's for your training, is it?

THE WITNESS: Yes.

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THE COMMISSIONER: That was \$20,000 that you --

THE WITNESS: Well, that originally would have been a percentage but it got more complicated, because Larry had a partner, he then left the partner and the whole sort of thing fell apart. So neither Larry nor I exactly set the world on fire last year, but that's neither here nor there.

15

BY MR. ARMSTRONG:

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Q. So in any event, to use the overworked phrase, the bottom line is that you received about \$20,000 U.S. from Larry Heidebrecht out of the fees he earned from Ben Johnson?

A. Yes.

25

Q. And you told us that Ben Johnson was

aware of that?

A. Yes,

Q. Did he approve of that?

A. Yes.

5 Q. All right, and I wanted to ask you, and
I don't know, I suppose the Scarborough Club, as I would
call it, really changed as you went from Lawrence Park
Collegiate in 1976 to the high performance center at
York, but even if we take your Scarborough Club group of
10 athletes in the middle eighties in Toronto, your
organization, and compare it to a similar European group
in terms of coaching, physical plans and resources,
financial resources, how do you shake out? And there I
have in mind, Mr. Francis, let's take a similar club, if
15 there is one, in East Germany. How would your group
compare in terms of what you had available?

THE COMMISSIONER: I'm sorry, I don't
understand that. Do you mean facilities or performance
or --

20 MR. ARMSTRONG: No, not performance --

THE COMMISSIONER: Facilities?

BY MR. ARMSTRONG:

Q. Facilities and resources, a similar
25 club in East Germany, if you know of one.

A. Well, I guess the -- I don't know all the clubs over there, but the one coach I have had a great deal of contact with is Horst Hilla, H-i-l-l-a.

Q. Yes?

5 A. And he is the coach of a club called Motor City Jena.

Q. Do you know how to spell "Jena"?

A. J-e-n-a.

Q. Yes?

10 A. And it is a women's only club but they have most of the top hundred meter sprinters for women over there.

I guess I should finish what our group -- as you can see, it is very complicated to go over how our group works. I'm not so sure at all times I understood how the structure worked because it was so jerry-built, really, it was almost held together with chickenwire and spit. We were finding money where we could, getting support from a very large number of contributing parties and so on.

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So it was a very difficult thing to keep track of and to really understand for me or for any of the other players. I asked Horst Hilla once how he operated and what his budget was, and he said, "Well, I don't have any." I said, "What do you mean?" He said, "Well, I put

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in my plan and whatever I want, that's it. There's no discussion. Whatever we need, we do." I said, "What do you have?" He said, "Well, we have two apartment buildings, a hotel, a DC-9, a fleet of buses, cars, salaries and unlimited funds to go to training camps wherever in the world they are required."

THE COMMISSIONER: All government supported?

THE WITNESS: All government supported. They basically had four thousand times the budget of the Canadian Track and Field Association.

BY MR. ARMSTRONG:

Q. How many times?

A. Four thousand times.

Q. I see. And the situation is such that in his club he will come to a promising athlete -- and you also have to remember the financial realities of the GDR -- many times a young kid 17 years old, and they say, "We will pay you a salary, give you your own apartment and a car." What would this mean in a country like the GDR, where his parents are probably sharing a two-room apartment with their parents? When this kid gets his own apartment, it'd be like signing a contract in the NBA or something in North America.

And he could assign salaries. The top sprinter in that group would get a salary roughly equal to twice the salary of the most successful industrial manager of the country. In fact, my understanding is that Marlies Goehr makes as much as the president of the country.

Q. Who is Marlies Goehr?

A. She was the former world record holder in the 100 meters.

Q. All right, let me ask you, along this line, about a situation in Poland as once described to you by Gerhard Mach, Gerhard Mach being, I understand, the former national sprint coach in Poland who came to Canada and became the coach of Canada's national track and field team, am I right?

A. Yes, well, before we leave the GDR, the one thing I would say in terms of support for the athletes, they have a ratio of seven support staff for every ten athletes. In Jena he has 30 athletes and 21 staff, so obviously he is well taken care of in every possible field, doctors, physiotherapists, technicians, scientists, everything.

THE COMMISSIONER: Why don't they have any good sprinters?

THE WITNESS: Oh, yes, very many, very many; tremendous depth, tremendous, for a country that

only has 16 million people, very high-level results.

THE COMMISSIONER: I thought you said that the 1984 Olympics should not be marked down because even though the east bloc countries weren't present, there were
5 no top 16 sprinters?

THE WITNESS: That's in the men's category.

THE COMMISSIONER: Oh, the men's category, I see.

THE WITNESS: The men are far behind the
10 women in terms of their performances.

THE COMMISSIONER: The men are far behind the women.

THE WITNESS: Yes, basically the coach argues that the reason --

15 THE COMMISSIONER: So, I'm sorry, the East German women are very strong in sprints?

THE WITNESS: Yes.

THE COMMISSIONER: But not the men?

THE WITNESS: Not as strong.

20 Going back to Gerard Mach, he was the original inventor of what you call double periodization, having a winter series of competition followed by a summer series, and this worked very well both in Europe and in North America.

25

A. And he travelled all over the world and eventually he came here to Canada in 1973 and then was able to survey the scene in Canada and I am sure with some trepidation when he was here.

5 I remember the first meeting, I was still running at that time, and we were summoned to Etobicoke Stadium which at that time was made of sort of a red tar surface.

10 So, I got this phone call and in his halting English he said we will have first relay meeting, we meet at Etobicoke Stadium. So I went there and he came out, surveyed the track, and saw that there was a light coating of oil coming up out of the surface and, if it was a moist day, if you tried to do a start your fingers would slide
15 as you were in the set position and so he said this track is garbage, we will go to tartan track, where is tartan track and when he was informed the nearest one was in Winnipeg, he was somewhat upset and said that they had four of them in Warsaw and that there were 100 tartan
20 tracks in Africa and wondered what was going on in Canada and so on.

And then he informed us very promptly there was no problem that we would all go next week to the former military training in the French Pyrenees, we could
25 stay there for 6 weeks and everything would be fine.

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And then he informed us very promptly there was no problem that we would all go next week to the former military training in the French Pyrenees, we could stay there for 6 weeks and everything would be fine.

5 I informed him that, well, I can't go. He said what do you mean. I said, well, I have to work. He said but you are the national champion, they have to send you and pay you too. And so I was shocked at this, I had never heard of any such thing. But of course as we discovered afterwards, we are the only ones who don't have such a system. In other countries that is exactly what would happen, you would be sent and would be paid.

10 Anyway, he told me that he had a million US dollars in the sprint section of his track club in 1966 in Poland in his annual budget. By 1985 we had \$380,000 in the Canadian Track and Field Association competitive budget.

15 Q. All right. Then I wanted to, against that background, take you back to the CV and at page 3 is listed your accomplishments as a sprint coach, and I don't know whether you have this in front of you but I assume you would know it. Let's just hit the --

20 THE COMMISSIONER: Let's get him a copy of it. Do you have a copy of it?

MR. ARMSTRONG: Yes.

25 Q. Mr. Francis just looking at page 3 of your CV, the first thing to note is that you, in the coaching career that we have reviewed now in some detail, have coached 22 carded athletes all named - or 22 carded

athletes or athletes named to the national team and all of those names pretty much, with one or two exceptions, are now familiar to us because you have mentioned them and then your athletes have set 250 Canadian, or over 250 Canadian indoor and outdoor records, is that correct?

A. Yes.

Q. And you have coached athletes to a total of 32 indoor and outdoor world records including the following records which are currently held by Ben Johnson, 50 yards, 50 metres, 60 metres, 100 metres, assuming that the first 3 of those are indoors, Angella Issajenko, 50 yards and 50 metres indoors and Mark McKoy 50 metre hurdle. Those are all world records held by your athletes?

A. Yes, that is right.

Q. And then in terms of olympic gold medals you have in your CV listed Ben Johnson, the 100 metre gold in 1988 subsequently taken away due to the disqualification, the 4 by 100 metres bronze in 1984.

A. No, an individual.

Q. By Ben Johnson?

A. An Individual bronze in the 100 metres.

Q. And the individual bronze in the 100 metres, right. Angella Issajenko, 4 by 100 metres silver, France Gareau, the same, Molly Killingbeck, 4 by

400 metres silver, 1984, Charmaine Crooks, the same part
of that team, the 4 by 400, Jillian Richardson, the same
silver medal in the 4 by 400 metres in the 1984 games,
Tony Sharpe, bronze in the 4 by 100 metres, 1984, and
5 Desai Williams is the same member of that team, 4 by 100
metre bronze. And then you have listed individually the
number of medals that your athletes have won in the
Commonwealth Games for a total of 28 medals.

And then finally as is indicated on page 4
10 you were named the Air Canada Amateur Sports Awards Coach
of the Year by the Sport Federation of Canada in 1985 and
again in 1987. And is all of that information correct,
Mr. Francis?

A. Yes.

15 MR. ARMSTRONG: Mr. Commissioner, that I
think would be an appropriate place to end the day. I
assume we were going to stop at 4 and it is four minutes
to four.

THE COMMISSIONER: Very well. Tomorrow
20 morning at 10 o'clock.

THE REGISTRAR: The Commission is adjourned
until 10 o'clock tomorrow morning.

--- Whereupon the hearing adjourned to be reconvened at
25 10:00 a.m. on Wednesday, February 29, 1989.

